
THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. **THE VIRGINIA REGISTER** has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in **THE VIRGINIA REGISTER OF REGULATIONS**. In addition, **THE VIRGINIA REGISTER** is a source of other information about state government, including all emergency regulations and executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative committee, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate standing committees and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day extension

period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation; and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 9-6.14:7.1 et seq.) of Chapter 1.1:1 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **12:8 VA.R. 1096-1106 January 8, 1996**, refers to Volume 12, Issue 8, pages 1096 through 1106 of the *Virginia Register* issued on January 8, 1996.

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Members of the Virginia Code Commission: **Joseph V. Gartlan, Jr.**, Chairman; **W. Tayloe Murphy, Jr.**, Vice Chairman; **Robert L. Calhoun;** **Bernard S. Cohen;** **Jay W. DeBoer;** **Frank S. Ferguson;** **J. Randy Forbes;** **James E. Kulp;** **E.M. Miller, Jr.;** **James B. Wilkinson.**

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PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://legis.state.va.us/codecomm/register/regindex.htm>).

May 1999 through March 2000

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
15:17	April 21, 1999	May 10, 1999
15:18	May 5, 1999	May 24, 1999
15:19	May 19, 1999	June 7, 1999
15:20	June 2, 1999	June 21, 1999
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16:4	October 20, 1999	November 8, 1999
16:5	November 3, 1999	November 22, 1999
16:6	November 16, 1999 (Tuesday)	December 6, 1999
16:7	December 1, 1999	December 20, 1999
INDEX 1 - Volume 16		January 2000
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16:10	January 12, 2000	January 31, 2000
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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 30-130-10	Amended	15:1 VA.R. 44 (4390)	9/15/98
1 VAC 30-140-10	Amended	15:7 VA.R. 978	12/1/98
Title 2. Agriculture			
2 VAC 20-50-10 et seq.	Repealed	15:11 VA.R. 1692	3/17/99
2 VAC 20-51-10 through 2 VAC 20-51-210	Added	15:11 VA.R. 1693-1700	3/17/99
Title 4. Conservation and Natural Resources			
4 VAC 15-320-20	Amended	15:5 VA.R. 574	1/1/99
4 VAC 15-320-30	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-100	Amended	15:5 VA.R. 575	1/1/99
4 VAC 15-320-120	Amended	15:5 VA.R. 576	1/1/99
4 VAC 15-320-160	Added	15:5 VA.R. 576	1/1/99
4 VAC 15-330-110	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-120	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-140	Amended	15:5 VA.R. 577	1/1/99
4 VAC 15-330-150	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-330-160	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-340-60	Amended	15:5 VA.R. 578	1/1/99
4 VAC 15-360-10	Amended	15:5 VA.R. 579	1/1/99
4 VAC 20-20-10	Amended	15:5 VA.R. 579	10/28/98
4 VAC 20-20-35	Added	15:5 VA.R. 579	10/28/98
4 VAC 20-20-35	Amended	15:14 VA.R. 2044	3/1/99
4 VAC 20-260-30	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-260-40	Amended	15:3 VA.R. 320	10/1/98
4 VAC 20-560-40	Amended	15:7 VA.R. 978	12/1/98
4 VAC 20-560-50	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-620-30	Amended	15:9 VA.R. 1157	1/1/99
4 VAC 20-620-40	Amended	15:5 VA.R. 580	10/28/98
4 VAC 20-620-40	Amended	15:9 VA.R. 1157	1/1/99
4 VAC 20-620-42 emer	Added	15:5 VA.R. 718	10/30/98-11/17/98
4 VAC 20-620-50	Amended	15:14 VA.R. 2044	3/1/99
4 VAC 20-620-70	Amended	15:14 VA.R. 2045	3/1/99
4 VAC 20-720-40	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-50	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-60	Amended	15:3 VA.R. 321	10/1/98
4 VAC 20-720-70	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-70	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-720-80	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-80	Amended	15:12 VA.R. 1790	2/1/99
4 VAC 20-720-90	Amended	15:3 VA.R. 322	10/1/98
4 VAC 20-720-105	Amended	15:7 VA.R. 979	12/1/98
4 VAC 20-720-106 emer	Added	15:12 VA.R. 1845	2/1/99-2/12/99
4 VAC 20-900-10	Amended	15:14 VA.R. 2045	3/1/99
4 VAC 20-900-25	Added	15:14 VA.R. 2045	3/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-900-35	Added	15:14 VA.R. 2045	3/1/99
4 VAC 20-960-45	Amended	15:7 VA.R. 982	1/1/99
4 VAC 20-1020-10 through 4 VAC 20-1020-40	Added	15:12 VA.R. 1790	2/2/99
4 VAC 20-1030-10 through 4 VAC 20-1030-40	Added	15:15 VA.R. 2126-2135	3/15/99
4 VAC 25-30 (Forms)	Amended	15:7 VA.R. 1020	--
4 VAC 25-30 (Forms)	Amended	15:10 VA.R. 1351	--
4 VAC 25-35 (Forms)	Amended	15:1 VA.R. 46 (4392)	--
4 VAC 25-35 (Forms)	Amended	15:14 VA.R. 2075-2077	--
4 VAC 25-40 (Forms)	Amended	15:7 VA.R. 1020	--
4 VAC 25-130-700.5	Amended	15:6 VA.R. 811	1/6/99
4 VAC 25-130-779.22	Repealed	15:6 VA.R. 823	1/6/99
4 VAC 25-130-779.25	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.23	Amended	15:6 VA.R. 824	1/6/99
4 VAC 25-130-780.25	Amended	15:6 VA.R. 825	1/6/99
4 VAC 25-130-780.35	Amended	15:6 VA.R. 826	1/6/99
4 VAC 25-130-783.25	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.15	Amended	15:6 VA.R. 827	1/6/99
4 VAC 25-130-784.16	Amended	15:6 VA.R. 828	1/6/99
4 VAC 25-130-784.23	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-800.40	Amended	15:6 VA.R. 830	1/6/99
4 VAC 25-130-816.46	Amended	15:6 VA.R. 832	1/6/99
4 VAC 25-130-816.49	Amended	15:6 VA.R. 834	1/6/99
4 VAC 25-130-816.74	Amended	15:6 VA.R. 836	1/6/99
4 VAC 25-130-816.81	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.89	Amended	15:6 VA.R. 837	1/6/99
4 VAC 25-130-816.104	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-816.105	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.46	Amended	15:6 VA.R. 838	1/6/99
4 VAC 25-130-817.49	Amended	15:6 VA.R. 840	1/6/99
4 VAC 25-130-817.74	Amended	15:6 VA.R. 842	1/6/99
4 VAC 25-130-817.81	Amended	15:6 VA.R. 843	1/6/99
4 VAC 25-130-817.89	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-840.11	Amended	15:6 VA.R. 844	1/6/99
4 VAC 25-130-843.14	Amended	15:6 VA.R. 845	1/6/99
4 VAC 25-130-845.17	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.18	Amended	15:6 VA.R. 846	1/6/99
4 VAC 25-130-845.19	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-130-846.17	Amended	15:6 VA.R. 847	1/6/99
4 VAC 25-130 (Forms)	Amended	15:11 VA.R. 1736	--
4 VAC 25-150-10	Amended	15:2 VA.R. 135	11/11/98
4 VAC 25-150-50	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-60	Amended	15:2 VA.R. 138	11/11/98
4 VAC 25-150-70	Repealed	15:2 VA.R. 139	11/11/98
4 VAC 25-150-80 through 4 VAC 25-150-130	Amended	15:2 VA.R. 139-143	11/11/98
4 VAC 25-150-90	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-135	Added	15:2 VA.R. 143	11/11/98
4 VAC 25-150-160 through 4 VAC 25-150-360	Amended	15:2 VA.R. 143-156	11/11/98
4 VAC 25-150-380 through 4 VAC 25-150-430	Amended	15:2 VA.R. 156-159	11/11/98
4 VAC 25-150-435	Added	15:2 VA.R. 159	11/11/98
4 VAC 25-150-440 through 4 VAC 25-150-460	Amended	15:2 VA.R. 161-162	11/11/98
4 VAC 25-150-500 through 4 VAC 25-150-530	Amended	15:2 VA.R. 162-163	11/11/98
4 VAC 25-150-500	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-540	Repealed	15:2 VA.R. 165	11/11/98
4 VAC 25-150-560	Amended	15:2 VA.R. 167	11/11/98
4 VAC 25-150-560	Erratum	15:6 VA.R. 938	--

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4 VAC 25-150-570	Repealed	15:2 VA.R. 167	11/11/98
4 VAC 25-150-580 through 4 VAC 25-150-610	Amended	15:2 VA.R. 168-169	11/11/98
4 VAC 25-150-610	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-640	Repealed	15:2 VA.R. 171	11/11/98
4 VAC 25-150-650 through 4 VAC 25-150-700	Amended	15:2 VA.R. 171-172	11/11/98
4 VAC 25-150-690	Erratum	15:6 VA.R. 938	--
4 VAC 25-150-710	Repealed	15:2 VA.R. 172	11/11/98
4 VAC 25-150-711	Added	15:2 VA.R. 172	11/11/98
4 VAC 25-150-720 through 4 VAC 25-150-740	Amended	15:2 VA.R. 173	11/11/98
4 VAC 25-150 (Forms)	Erratum	15:6 VA.R. 938	--
4 VAC 25-150 (Forms)	Amended	15:14 VA.R. 2077-2078	--
Title 8. Education			
8 VAC 35-30-30	Amended	15:11 VA.R. 1706	1/18/99
8 VAC 35-30-50	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-160	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-200	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-210	Amended	15:11 VA.R. 1707	1/18/99
8 VAC 35-30-220	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-230	Amended	15:11 VA.R. 1708	1/18/99
8 VAC 35-30-240	Amended	15:11 VA.R. 1709	1/18/99
Title 9. Environment			
9 VAC 5-20-21	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-20-204	Amended	15:2 VA.R. 174	1/1/99
9 VAC 5-20-205	Amended	15:2 VA.R. 175	1/1/99
9 VAC 5-30-20	Repealed	15:12 VA.R. 1791	4/1/99
9 VAC 5-40-880	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-890	Amended	15:12 VA.R. 1794	4/1/99
9 VAC 5-40-900	Amended	15:12 VA.R. 1795	4/1/99
9 VAC 5-40-940	Amended	15:12 VA.R. 1795	4/1/99
9 VAC 5-40-1040	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1660	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1670	Amended	15:12 VA.R. 1796	4/1/99
9 VAC 5-40-1690	Amended	15:12 VA.R. 1797	4/1/99
9 VAC 5-40-1750	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1770	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1780	Amended	15:12 VA.R. 1798	4/1/99
9 VAC 5-40-1810	Amended	15:12 VA.R. 1799	4/1/99
9 VAC 5-40-5350 through 9 VAC 5-40-5480	Repealed	15:12 VA.R. 1793-1794	4/1/99
9 VAC 5-40-5800	Amended	15:12 VA.R. 1801	4/1/99
9 VAC 5-40-5810	Amended	15:12 VA.R. 1802	4/1/99
9 VAC 5-40-5820	Amended	15:12 VA.R. 1804	4/1/99
9 VAC 5-40-5822	Added	15:12 VA.R. 1806	4/1/99
9 VAC 5-40-5824	Added	15:12 VA.R. 1807	4/1/99
9 VAC 5-40-5850	Amended	15:12 VA.R. 1808	4/1/99
9 VAC 5-40-5855	Added	15:12 VA.R. 1811	4/1/99
9 VAC 5-40-5860	Amended	15:12 VA.R. 1812	4/1/99
9 VAC 5-40-5870	Amended	15:12 VA.R. 1815	4/1/99
9 VAC 5-40-5880	Amended	15:12 VA.R. 1816	4/1/99
9 VAC 5-40-5890	Amended	15:12 VA.R. 1820	4/1/99
9 VAC 5-40-5920	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-40-5930	Repealed	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:12 VA.R. 1822	4/1/99
9 VAC 5-50-400	Amended	15:13 VA.R. 1918	4/14/99
9 VAC 5-50-410	Amended	15:12 VA.R. 1823	4/1/99
9 VAC 5-50-410	Amended	15:13 VA.R. 1918	4/14/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-50-420	Amended	15:12 VA.R. 1828	4/1/99
9 VAC 5-50-420	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-60	Amended	15:13 VA.R. 1924	4/14/99
9 VAC 5-60-70	Amended	15:13 VA.R. 1925	4/14/99
9 VAC 5-60-80	Amended	15:13 VA.R. 1926	4/14/99
9 VAC 5-60-90	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-60-100	Amended	15:13 VA.R. 1927	4/14/99
9 VAC 5-70-40	Amended	15:12 VA.R. 1791	4/1/99
9 VAC 5-80-30	Repealed	15:11 VA.R. 1717	4/1/99
9 VAC 5-80-2000 through 9 VAC 5-80-2190	Added	15:11 VA.R. 1717-1728	4/1/99
9 VAC 5-80-2010	Erratum	15:13 VA.R. 1955	--
9 VAC 5-200-10	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-20	Added	15:13 VA.R. 1931	4/14/99
9 VAC 5-200-30	Added	15:13 VA.R. 1931	4/14/99
9 VAC 20-60-10	Repealed	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-12	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-14	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-17	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-18	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-60	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-70	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-100	Repealed	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-110	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-120	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-124	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-130	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-140	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-150	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-160	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-170	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-180	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-190	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-200	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-210	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-220	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-230	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-240	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-250	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-260	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-261	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-262	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-263	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-264	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-265	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-266	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-268	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-270	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-273	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-279	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-280	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-290	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-300	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-305	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-310	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-315	Added	15:9 VA.R. 1158	2/17/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-60-320	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-325	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-330	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-340	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-350	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-360	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-370	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-380	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-390	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-400	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-410	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-420	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-430	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-440	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-450	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-460	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-470	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-480	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-490	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-500	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-510	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-520	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-530	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-540	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-550	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-560	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-570	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-580	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-590	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-600	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-610	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-620	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-630	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-640	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-650	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-660	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-670	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-680	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-710	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-720	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-730	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-740	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-750	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-760	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-770	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-780	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-790	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-800	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-810	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-820	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-830	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-840	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-850	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-860	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-870	Repealed	15:9 VA.R. 1159	2/17/99

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9 VAC 20-60-880	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-890	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-930	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-940	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-950	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-970	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-980	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-990	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1000	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1010	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1030	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1040	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1050	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1060	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1080	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1090	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1100	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1110	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1120	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1130	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1140	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1150	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1160	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1170	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1180	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1200	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1250	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1260	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1270	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1280	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1310	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1330	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1340	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1350	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1360	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1370	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1380	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1390	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1400	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1410	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1420	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1430	Amended	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1440	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1450	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1460	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1470	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1480	Repealed	15:9 VA.R. 1159	2/17/99
9 VAC 20-60-1495	Added	15:9 VA.R. 1158	2/17/99
9 VAC 20-60-1505	Added	15:9 VA.R. 1158	2/17/99
9 VAC 25-150-10 et seq.	Repealed	15:9 VA.R. 1159	6/30/99
9 VAC 25-151-10 et seq.	Added	15:9 VA.R. 1160-1224	6/30/99
9 VAC 25-151 (Forms)	Added	15:9 VA.R. 1224	--
9 VAC 25-160-10 et seq.	Repealed	15:9 VA.R. 1224	6/30/99
9 VAC 25-170-10 et seq.	Repealed	15:9 VA.R. 1224	6/30/99
9 VAC 25-180-10	Amended	15:9 VA.R. 1225	6/30/99

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9 VAC 25-180-20	Amended	15:9 VA.R. 1227	6/30/99
9 VAC 25-180-30	Amended	15:9 VA.R. 1228	6/30/99
9 VAC 25-180-40	Amended	15:9 VA.R. 1228	6/30/99
9 VAC 25-180-50	Amended	15:9 VA.R. 1228	6/30/99
9 VAC 25-180-60	Amended	15:9 VA.R. 1229	6/30/99
9 VAC 25-180-70	Amended	15:9 VA.R. 1231	6/30/99
9 VAC 25-180 (Forms)	Amended	15:9 VA.R. 1247-1250	--
9 VAC 25-190-10	Amended	15:16 VA.R. 2187	6/30/99
9 VAC 25-190-20	Amended	15:16 VA.R. 2188	6/30/99
9 VAC 25-190-50	Amended	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-60	Amended	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-70	Amended	15:16 VA.R. 2191	6/30/99
9 VAC 25-190-30	Repealed	15:16 VA.R. 2189	6/30/99
9 VAC 25-190-40	Repealed	15:16 VA.R. 2189	6/30/99
9 VAC 25-192 (Forms)	Added	15:3 VA.R. 331	--
9 VAC 25-192 (Forms)	Amended	15:12 VA.R. 1854	--
9 VAC 25-192-40	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-50	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-60	Amended	15:3 VA.R. 323	12/1/98
9 VAC 25-192-70	Amended	15:3 VA.R. 324	12/1/98
9 VAC 25-193-70	Erratum	15:2 VA.R. 241	--
9 VAC 25-430-20	Amended	15:6 VA.R. 849	1/6/99
9 VAC 25-430-30	Amended	15:6 VA.R. 853	1/6/99
9 VAC 25-430-40	Amended	15:6 VA.R. 861	1/6/99
9 VAC 25-430-60	Amended	15:6 VA.R. 864	1/6/99
9 VAC 25-440-150	Amended	15:6 VA.R. 872	1/6/99
9 VAC 25-440-151	Added	15:6 VA.R. 880	1/6/99
9 VAC 25-610-10	Amended	15:5 VA.R. 581	1/1/99
9 VAC 25-610-30	Repealed	15:5 VA.R. 582	1/1/99
9 VAC 25-610-90	Amended	15:5 VA.R. 582	1/1/99
9 VAC 25-610-110	Amended	15:5 VA.R. 586	1/1/99
9 VAC 25-610-130	Amended	15:5 VA.R. 589	1/1/99
9 VAC 25-610-140	Amended	15:5 VA.R. 590	1/1/99
9 VAC 25-610-160	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-250	Amended	15:5 VA.R. 591	1/1/99
9 VAC 25-610-330	Amended	15:5 VA.R. 592	1/1/99
9 VAC 25-610-400	Added	15:5 VA.R. 592	1/1/99
Title 12. Health			
12 VAC 5-90-10	Amended	15:6 VA.R. 880	1/6/99
12 VAC 5-90-10	Erratum	15:8 VA.R. 1099	--
12 VAC 5-90-40	Amended	15:6 VA.R. 882	1/6/99
12 VAC 5-90-50	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-60	Repealed	15:6 VA.R. 883	1/6/99
12 VAC 5-90-70	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-80	Amended	15:6 VA.R. 883	1/6/99
12 VAC 5-90-90	Amended	15:6 VA.R. 885	1/6/99
12 VAC 5-90-90	Erratum	15:8 VA.R. 1099	--
12 VAC 5-90-100	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-110	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-120	Repealed	15:6 VA.R. 888	1/6/99
12 VAC 5-90-130	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-150	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-160	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-170	Amended	15:6 VA.R. 888	1/6/99
12 VAC 5-90-180	Amended	15:6 VA.R. 889	1/6/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-90-190	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-210	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-220	Repealed	15:6 VA.R. 889	1/6/99
12 VAC 5-90-230	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-240	Added	14:26 VA.R. 4250	10/14/98
12 VAC 5-90-250	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-260	Added	14:26 VA.R. 4251	10/14/98
12 VAC 5-90-270	Added	14:26 VA.R. 4251	10/14/98
12 VAC 30-10-140 emer	Amended	15:13 VA.R. 1942	7/1/99-6/30/00
12 VAC 30-10-150 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-20-170	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-30 emer	Amended	15:13 VA.R. 1943	7/1/99-6/30/00
12 VAC 30-50-70 emer	Amended	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-50-110	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:5 VA.R. 593	1/1/99
12 VAC 30-50-140	Amended	15:6 VA.R. 893	1/6/99
12 VAC 30-50-150	Amended	15:6 VA.R. 894	1/6/99
12 VAC 30-50-160	Amended	14:26 VA.R. 4252	1/1/99
12 VAC 30-50-210	Amended	15:5 VA.R. 595	1/1/99
12 VAC 30-50-270 emer	Amended	15:10 VA.R. 1342	1/1/99-12/31/99
12 VAC 30-50-320 emer	Added	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-60-40	Amended	14:26 VA.R. 4254	1/1/99
12 VAC 30-60-40	Amended	15:6 VA.R. 895	1/6/99
12 VAC 30-60-120	Amended	15:6 VA.R. 896	1/6/99
12 VAC 30-60-130 emer	Amended	15:10 VA.R. 1343	1/1/99-12/31/99
12 VAC 30-60-320	Amended	14:26 VA.R. 4257	1/1/99
12 VAC 30-60-340	Amended	14:26 VA.R. 4259	1/1/99
12 VAC 30-80-30	Amended	15:6 VA.R. 900	1/6/99
12 VAC 30-80-30 emer	Amended	15:10 VA.R. 1345	1/1/99-12/31/99
12 VAC 30-90-264	Amended	14:26 VA.R. 4261	1/1/99
12 VAC 30-90-290	Amended	14:26 VA.R. 4264	1/1/99
12 VAC 30-120-61 through 12 VAC 30-120-69 emer	Added	15:13 VA.R. 1944-1947	7/1/99-6/30/00
12 VAC 30-130-480 emer	Amended	15:10 VA.R. 1346	1/1/99-12/31/99
12 VAC 30-130-490 emer	Amended	15:10 VA.R. 1346	1/1/99-12/31/99
12 VAC 30-130-530 emer	Amended	15:10 VA.R. 1347	1/1/99-12/31/99
12 VAC 30-140-10 through 12 VAC 30-140-50 emer	Added	15:4 VA.R. 478-480	10/23/98-10/22/99
12 VAC 30-150-10 and 12 VAC 30-150-20 emer	Added	15:4 VA.R. 481-483	10/23/98-10/22/99
12 VAC 30-160-00 through 12 VAC 30-160-299 emer	Added	15:4 VA.R. 483-486	10/23/98-10/22/99
12 VAC 30-170-10 and 12 VAC 30-170-20 emer	Added	15:4 VA.R. 487	10/23/98-10/22/99
Title 13. Housing			
13 VAC 5-51-20 emer	Amended	15:14 VA.R. 2069	3/10/99-3/9/00
13 VAC 5-51-130 emer	Amended	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-51-135 emer	Added	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-51-136 emer	Added	15:14 VA.R. 2070	3/10/99-3/9/00
13 VAC 5-61-200 emer	Amended	15:14 VA.R. 2071	3/10/99-3/9/00
13 VAC 5-61-440 emer	Amended	15:14 VA.R. 2072	3/10/99-3/9/00
13 VAC 5-100-10 emer	Added	15:10 VA.R. 1349	1/6/99-1/5/00
13 VAC 5-100-20 emer	Added	15:10 VA.R. 1350	1/6/99-1/5/00
13 VAC 10-40-20	Amended	15:12 VA.R. 1829	1/28/99
13 VAC 10-40-130	Amended	15:12 VA.R. 1832	1/28/99
13 VAC 10-40-160	Amended	15:12 VA.R. 1834	1/28/99
13 VAC 10-40-210	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-220	Amended	15:12 VA.R. 1835	1/28/99
13 VAC 10-40-230	Amended	15:4 VA.R. 424	10/21/98
13 VAC 10-40-230	Amended	15:12 VA.R. 1835	1/28/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 10-180-10	Amended	15:14 VA.R. 2050	3/10/99
13 VAC 10-180-50	Amended	15:14 VA.R. 2051	3/10/99
13 VAC 10-180-60	Amended	15:14 VA.R. 2053	3/10/99
13 VAC 10-180-70	Amended	15:14 VA.R. 2061	3/10/99
13 VAC 10-180-90	Amended	15:14 VA.R. 2063	3/10/99
Title 14. Insurance			
14 VAC 5-170-20	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-30	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-40	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-50	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-60	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-70	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-80	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-90	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-100	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-105	Added	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-110	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-120	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-130	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-140	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-150	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-160	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-170	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170-180	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix A	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix B	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-170 Appendix C	Amended	15:15 VA.R. 2136	4/26/99
14 VAC 5-395-10	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-30	Amended	14:26 VA.R. 4266	8/20/98
14 VAC 5-395-50	Amended	14:26 VA.R. 4267	8/20/98
Title 16. Labor and Employment			
16 VAC 25-50-10	Amended	15:5 VA.R. 600	1/1/99
16 VAC 25-50-15	Added	15:5 VA.R. 603	1/1/99
16 VAC 25-50-20	Amended	15:5 VA.R. 603	1/1/99
16 VAC 25-50-50	Amended	15:5 VA.R. 604	1/1/99
16 VAC 25-50-70	Amended	15:5 VA.R. 605	1/1/99
16 VAC 25-50-80	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-90	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-120	Amended	15:5 VA.R. 606	1/1/99
16 VAC 25-50-150	Amended	15:5 VA.R. 607	1/1/99
16 VAC 25-50-190	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-240	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-250	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-270	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-290	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-350	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-360	Amended	15:5 VA.R. 608	1/1/99
16 VAC 25-50-370	Amended	15:5 VA.R. 612	1/1/99
16 VAC 25-50-380	Amended	15:5 VA.R. 615	1/1/99
16 VAC 25-50-390	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-430	Amended	15:5 VA.R. 616	1/1/99
16 VAC 25-50-440	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-50-480	Amended	15:5 VA.R. 617	1/1/99
16 VAC 25-90-1910.109	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.110	Amended	15:5 VA.R. 631	1/1/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-90-1910.111	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.141	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.142	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.151	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.156	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.183	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.261	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.262	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.265	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.267	Repealed	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.268	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1017	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1018	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1029	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-90-1910.1052	Amended	15:5 VA.R. 628	1/1/99
16 VAC 25-100-1915.1001	Amended	15:5 VA.R. 633	1/1/99
16 VAC 25-175-1926.31	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.50	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.152	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.906	Amended	15:5 VA.R. 631	1/1/99
16 VAC 25-175-1926.1101	Amended	15:5 VA.R. 633	1/1/99
Title 18. Professional and Occupational Licensing			
18 VAC 40-20-20	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-110	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-120	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-130	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-140	Amended	15:10 VA.R. 1313	3/3/99
18 VAC 40-20-150	Amended	15:10 VA.R. 1314	3/3/99
18 VAC 40-20-170	Amended	15:10 VA.R. 1314	3/3/99
18 VAC 45-20-10	Amended	15:9 VA.R. 1251	3/1/99
18 VAC 45-20-20	Amended	15:9 VA.R. 1251	3/1/99
18 VAC 45-20 (Forms)	Added	15:9 VA.R. 1252-1253	--
18 VAC 50-22-100	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-22-140	Amended	15:12 VA.R. 1837	5/1/99
18 VAC 50-30-90	Amended	15:12 VA.R. 1838	5/1/99
18 VAC 60-20-10	Amended	15:5 VA.R. 636	12/23/98
18 VAC 60-20-15	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-16	Added	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 637	12/23/98
18 VAC 60-20-20	Amended	15:5 VA.R. 646	12/23/98
18 VAC 60-20-20 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-30	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-30	Amended	15:5 VA.R. 647	12/23/98
18 VAC 60-20-30 emer	Amended	15:11 VA.R. 1729	1/21/99-1/20/00
18 VAC 60-20-50	Amended	15:5 VA.R. 638	12/23/98
18 VAC 60-20-60	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-70	Amended	15:5 VA.R. 639	12/23/98
18 VAC 60-20-80	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-90	Amended	15:5 VA.R. 640	12/23/98
18 VAC 60-20-110	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-120	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-130	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-140	Amended	15:5 VA.R. 641	12/23/98
18 VAC 60-20-150	Repealed	15:5 VA.R. 642	12/23/98
18 VAC 60-20-160	Repealed	15:5 VA.R. 642	12/23/98

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18 VAC 60-20-170	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-180	Amended	15:5 VA.R. 642	12/23/98
18 VAC 60-20-190	Amended	15:5 VA.R. 643	12/23/98
18 VAC 60-20-195	Added	15:5 VA.R. 644	12/23/98
18 VAC 60-20-220	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-230	Amended	15:5 VA.R. 644	12/23/98
18 VAC 60-20-240	Amended	15:5 VA.R. 645	12/23/98
18 VAC 65-20-10	Amended	15:7 VA.R. 982	1/20/99
18 VAC 65-20-20	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-30	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-40	Repealed	15:7 VA.R. 984	1/20/99
18 VAC 65-20-50	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-60	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-70	Amended	15:4 VA.R. 426	12/9/98
18 VAC 65-20-70 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-80	Repealed	15:4 VA.R. 426	12/9/98
18 VAC 65-20-90	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-100	Repealed	15:4 VA.R. 427	12/9/98
18 VAC 65-20-110	Amended	15:7 VA.R. 984	1/20/99
18 VAC 65-20-120	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-120 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-130	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-130 emer	Amended	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-140	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-150	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-160	Repealed	15:7 VA.R. 985	1/20/99
18 VAC 65-20-170	Amended	15:7 VA.R. 985	1/20/99
18 VAC 65-20-180 through 18 VAC 65-20-230	Repealed	15:7 VA.R. 986	1/20/99
18 VAC 65-20-235	Added	15:7 VA.R. 986	1/20/99
18 VAC 65-20-240	Amended	15:7 VA.R. 986	1/20/99
18 VAC 65-20-250 through 18 VAC 65-20-340	Repealed	15:7 VA.R. 987	1/20/99
18 VAC 65-20-350	Amended	15:7 VA.R. 987	1/20/99
18 VAC 65-20-360 through 18 VAC 65-20-390	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-400	Amended	15:7 VA.R. 988	1/20/99
18 VAC 65-20-410	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-430	Repealed	15:7 VA.R. 988	1/20/99
18 VAC 65-20-435 emer	Added	15:12 VA.R. 1846	2/2/99-2/1/00
18 VAC 65-20-440	Amended	15:7 VA.R. 988	1/20/99
18 VAC 65-20-450 through 18 VAC 65-20-490	Repealed	15:7 VA.R. 988-989	1/20/99
18 VAC 65-20-500	Amended	15:7 VA.R. 989	1/20/99
18 VAC 65-20-510	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-520	Repealed	15:7 VA.R. 990	1/20/99
18 VAC 65-20-530	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-540	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-550	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-560	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-580	Amended	15:7 VA.R. 990	1/20/99
18 VAC 65-20-590	Amended	15:7 VA.R. 991	1/20/99
18 VAC 65-20-600	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-610	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-620	Repealed	15:7 VA.R. 991	1/20/99
18 VAC 65-20-630	Amended	15:7 VA.R. 991	1/20/99
18 VAC 65-20-640 through 18 VAC 65-20-690	Repealed	15:7 VA.R. 992-994	1/20/99
18 VAC 65-20-700	Amended	15:7 VA.R. 994	1/20/99
18 VAC 65-30-10	Amended	15:7 VA.R. 995	1/20/99

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18 VAC 65-30-20	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-30	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-40	Repealed	15:7 VA.R. 997	1/20/99
18 VAC 65-30-50	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-60	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-70	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-80	Amended	15:7 VA.R. 997	1/20/99
18 VAC 65-30-90	Amended	15:7 VA.R. 998	1/20/99
18 VAC 65-30-110	Amended	15:7 VA.R. 998	1/20/99
18 VAC 65-30-120	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-140	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-150	Repealed	15:7 VA.R. 999	1/20/99
18 VAC 65-30-160	Repealed	15:7 VA.R. 999	1/20/99
18 VAC 65-30-170	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-180	Amended	15:7 VA.R. 999	1/20/99
18 VAC 65-30-190	Repealed	15:7 VA.R. 1000	1/20/99
18 VAC 65-30-200	Amended	15:7 VA.R. 1000	1/20/99
18 VAC 65-30-210	Repealed	15:7 VA.R. 1001	1/20/99
18 VAC 65-30-220	Added	15:7 VA.R. 1001	1/20/99
18 VAC 65-30-230	Added	15:7 VA.R. 1003	1/20/99
18 VAC 65-40-10	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-20	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-30	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-40	Amended	15:4 VA.R. 433	12/9/98
18 VAC 65-40-50	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-60	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-70	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-80	Repealed	15:4 VA.R. 433	12/9/98
18 VAC 65-40-90	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-100	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-110	Amended	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-120	Repealed	15:7 VA.R. 1008	1/20/99
18 VAC 65-40-130	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-140	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-150	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-160	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-170	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-180	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-190	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-200	Repealed	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-201	Added	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-210	Amended	15:7 VA.R. 1009	1/20/99
18 VAC 65-40-220	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-230	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-240	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-250	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-260	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-270	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-280	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-290	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-300	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-310	Repealed	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-320	Amended	15:7 VA.R. 1010	1/20/99
18 VAC 65-40-330	Amended	15:7 VA.R. 1011	1/20/99
18 VAC 65-40-340	Amended	15:7 VA.R. 1011	1/20/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 65-40-350 through 18 VAC 65-40-630	Repealed	15:7 VA.R. 1011-1014	1/20/99
18 VAC 65-40-640	Amended	15:7 VA.R. 1014	1/20/99
18 VAC 85-40-10 emer	Amended	15:11 VA.R. 1730	1/21/99-1/20/00
18 VAC 85-40-25 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-40 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-45 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-50 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-60 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-65 emer	Added	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-70 emer	Amended	15:11 VA.R. 1731	1/21/99-1/20/00
18 VAC 85-40-80 emer	Amended	15:11 VA.R. 1732	1/21/99-1/20/00
18 VAC 85-80-10 emer	Amended	15:12 VA.R. 1847	1/29/99-1/28/00
18 VAC 85-80-11 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-12 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-35 emer	Added	15:12 VA.R. 1848	1/29/99-1/28/00
18 VAC 85-80-40 through 18 VAC 85-80-90 emer	Amended	15:12 VA.R. 1848-1849	1/29/99-1/28/00
18 VAC 85-110-10	Amended	15:4 VA.R. 436	12/9/98
18 VAC 85-110-20	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-30	Amended	15:4 VA.R. 437	12/9/98
18 VAC 85-110-35	Added	15:4 VA.R. 437	12/9/98
18 VAC 85-110-40	Repealed	15:4 VA.R. 438	12/9/98
18 VAC 85-110-50	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-60	Amended	15:4 VA.R. 438	12/9/98
18 VAC 85-110-70	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-80	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-90	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-100	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-120	Repealed	15:4 VA.R. 439	12/9/98
18 VAC 85-110-150	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-160	Amended	15:4 VA.R. 439	12/9/98
18 VAC 85-110-170	Repealed	15:4 VA.R. 440	12/9/98
18 VAC 90-20-10	Amended	15:3 VA.R. 333	12/3/98
18 VAC 90-20-20	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-35	Added	15:3 VA.R. 334	12/3/98
18 VAC 90-20-40	Amended	15:3 VA.R. 334	12/3/98
18 VAC 90-20-50	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-60	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-70	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-80	Amended	15:3 VA.R. 335	12/3/98
18 VAC 90-20-90	Amended	15:3 VA.R. 336	12/3/98
18 VAC 90-20-95	Added	15:3 VA.R. 337	12/3/98
18 VAC 90-20-100	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-110	Amended	15:3 VA.R. 337	12/3/98
18 VAC 90-20-120	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-130	Amended	15:3 VA.R. 338	12/3/98
18 VAC 90-20-140	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-150	Repealed	15:3 VA.R. 339	12/3/98
18 VAC 90-20-160	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-170	Amended	15:3 VA.R. 339	12/3/98
18 VAC 90-20-180	Repealed	15:3 VA.R. 340	12/3/98
18 VAC 90-20-190	Amended	15:3 VA.R. 340	12/3/98
18 VAC 90-20-210	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-250	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-260	Repealed	15:3 VA.R. 341	12/3/98
18 VAC 90-20-275	Added	15:3 VA.R. 341	12/3/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-280	Amended	15:3 VA.R. 341	12/3/98
18 VAC 90-20-290	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-300 emer	Amended	15:11 VA.R. 1733	1/26/99-1/25/00
18 VAC 90-20-310	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-330	Amended	15:3 VA.R. 342	12/3/98
18 VAC 90-20-340	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-350	Amended	15:3 VA.R. 346	12/3/98
18 VAC 90-20-400	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-410	Added	15:3 VA.R. 347	12/3/98
18 VAC 90-20-420 through 18 VAC 90-20-460 emer	Added	15:11 VA.R. 1733-1735	1/26/99-1/25/00
18 VAC 90-30-10	Amended	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-30	Amended	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-40	Repealed	15:7 VA.R. 1015	1/20/99
18 VAC 90-30-70	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-80	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-90	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-120	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-140	Repealed	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-150	Repealed	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-160	Amended	15:7 VA.R. 1016	1/20/99
18 VAC 90-30-170 through 18 VAC 90-30-210	Repealed	15:7 VA.R. 1017	1/20/99
18 VAC 95-20-10	Amended	15:4 VA.R. 452	12/9/98
18 VAC 95-20-20	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-30	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-40	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-50	Repealed	15:4 VA.R. 453	12/9/98
18 VAC 95-20-70	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-80	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-90	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-100	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-110	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-120	Repealed	15:4 VA.R. 454	12/9/98
18 VAC 95-20-130	Amended	15:4 VA.R. 454	12/9/98
18 VAC 95-20-140	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-150	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-160	Repealed	15:4 VA.R. 455	12/9/98
18 VAC 95-20-170	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-175	Added	15:4 VA.R. 455	12/9/98
18 VAC 95-20-180	Amended	15:4 VA.R. 455	12/9/98
18 VAC 95-20-190	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-200	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-210	Repealed	15:4 VA.R. 456	12/9/98
18 VAC 95-20-220	Amended	15:4 VA.R. 456	12/9/98
18 VAC 95-20-225	Added	15:4 VA.R. 457	12/9/98
18 VAC 95-20-230	Amended	15:4 VA.R. 457	12/9/98
18 VAC 95-20-240	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-250	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-260	Repealed	15:4 VA.R. 457	12/9/98
18 VAC 95-20-270	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-280	Repealed	15:4 VA.R. 458	12/9/98
18 VAC 95-20-290	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-300	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-310	Amended	15:4 VA.R. 458	12/9/98
18 VAC 95-20-320	Repealed	15:4 VA.R. 458	12/9/98

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 95-20-330	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-340	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-350	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-360	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-370	Repealed	15:4 VA.R. 459	12/9/98
18 VAC 95-20-380	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-390	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-400	Amended	15:4 VA.R. 459	12/9/98
18 VAC 95-20-410	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-420	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-430	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-440	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-450	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-460	Repealed	15:4 VA.R. 460	12/9/98
18 VAC 95-20-470	Amended	15:4 VA.R. 460	12/9/98
18 VAC 95-20-480 through 18 VAC 95-20-740	Repealed	15:4 VA.R. 460-463	12/9/98
18 VAC 95-20; Appendices I, II and III	Repealed	15:4 VA.R. 463-464	12/9/98
18 VAC 105-20-10	Amended	15:6 VA.R. 902	1/6/99
18 VAC 105-20-15	Added	15:6 VA.R. 902	1/6/99
18 VAC 105-20-20	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-30	Repealed	15:6 VA.R. 903	1/6/99
18 VAC 105-20-40	Amended	15:6 VA.R. 903	1/6/99
18 VAC 105-20-45	Added	15:6 VA.R. 904	1/6/99
18 VAC 105-20-50	Amended	15:6 VA.R. 905	1/6/99
18 VAC 105-20-60	Amended	15:6 VA.R. 906	1/6/99
18 VAC 105-20-70	Amended	15:6 VA.R. 906	1/6/99
18 VAC 105-30-10	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-20	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-30	Amended	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-35	Added	15:12 VA.R. 1839	3/31/99
18 VAC 105-30-40	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-50	Repealed	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-60	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-70	Amended	15:12 VA.R. 1840	3/31/99
18 VAC 105-30-90	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-100	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-110	Repealed	15:12 VA.R. 1841	3/31/99
18 VAC 105-30-120	Amended	15:12 VA.R. 1841	3/31/99
18 VAC 110-20-10 emer	Amended	15:6 VA.R. 926	11/5/98-11/4/99
18 VAC 110-20-10	Amended	15:8 VA.R. 1070	2/3/99
18 VAC 110-20-20	Amended	15:8 VA.R. 1073	2/3/99
18 VAC 110-20-30	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-40	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-50	Amended	15:8 VA.R. 1074	2/3/99
18 VAC 110-20-60	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-70	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-90	Amended	15:8 VA.R. 1075	2/3/99
18 VAC 110-20-100	Amended	15:8 VA.R. 1076	2/3/99
18 VAC 110-20-110	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-130 emer	Amended	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-130	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-130	Erratum	15:12 VA.R. 1865	--
18 VAC 110-20-135 emer	Added	15:6 VA.R. 928	11/5/98-11/4/99
18 VAC 110-20-140 emer	Amended	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-170	Amended	15:8 VA.R. 1077	2/3/99

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 110-20-190	Amended	15:8 VA.R. 1077	2/3/99
18 VAC 110-20-200	Amended	15:8 VA.R. 1078	2/3/99
18 VAC 110-20-210	Amended	15:8 VA.R. 1078	2/3/99
18 VAC 110-20-220	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-230	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-240	Amended	15:8 VA.R. 1079	2/3/99
18 VAC 110-20-260	Repealed	15:8 VA.R. 1080	2/3/99
18 VAC 110-20-270	Amended	15:8 VA.R. 1080	2/3/99
18 VAC 110-20-280	Amended	15:8 VA.R. 1081	2/3/99
18 VAC 110-20-290	Amended	15:8 VA.R. 1081	2/3/99
18 VAC 110-20-330	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-350	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-355	Added	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-360	Amended	15:8 VA.R. 1082	2/3/99
18 VAC 110-20-395	Added	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-400	Amended	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-420	Amended	15:8 VA.R. 1083	2/3/99
18 VAC 110-20-470	Amended	15:8 VA.R. 1084	2/3/99
18 VAC 110-20-500	Amended	15:8 VA.R. 1084	2/3/99
18 VAC 110-20-540	Amended	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-550	Amended	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-555	Added	15:8 VA.R. 1085	2/3/99
18 VAC 110-20-570	Amended	15:8 VA.R. 1086	2/3/99
18 VAC 110-20-580	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-590	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-620	Amended	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-621	Added	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-622	Added	15:8 VA.R. 1087	2/3/99
18 VAC 110-20-640	Amended	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-650	Repealed	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-680	Amended	15:8 VA.R. 1088	2/3/99
18 VAC 110-20-690 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-700 emer	Added	15:6 VA.R. 929	11/5/98-11/4/99
18 VAC 110-20-710 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 110-20-720 emer	Added	15:6 VA.R. 930	11/5/98-11/4/99
18 VAC 130-20-130	Amended	15:14 VA.R. 2066	5/1/99
18 VAC 135-20-10	Amended	15:5 VA.R. 648	1/1/99
18 VAC 135-20-20	Amended	15:5 VA.R. 649	1/1/99
18 VAC 135-20-30	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-40	Amended	15:5 VA.R. 650	1/1/99
18 VAC 135-20-45	Added	15:5 VA.R. 650	1/1/99
18 VAC 135-20-50	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-60	Amended	15:5 VA.R. 651	1/1/99
18 VAC 135-20-80	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-90	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-100	Amended	15:5 VA.R. 652	1/1/99
18 VAC 135-20-110	Amended	15:5 VA.R. 653	1/1/99
18 VAC 135-20-120	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-150	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-160	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-170	Amended	15:5 VA.R. 654	1/1/99
18 VAC 135-20-180	Amended	15:5 VA.R. 655	1/1/99
18 VAC 135-20-190	Amended	15:5 VA.R. 656	1/1/99
18 VAC 135-20-200	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-210	Amended	15:5 VA.R. 657	1/1/99

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18 VAC 135-20-220	Amended	15:5 VA.R. 657	1/1/99
18 VAC 135-20-240	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-250	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-260	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-270	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-280	Amended	15:5 VA.R. 658	1/1/99
18 VAC 135-20-290	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-300	Amended	15:5 VA.R. 659	1/1/99
18 VAC 135-20-310	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-320	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-350	Amended	15:5 VA.R. 660	1/1/99
18 VAC 135-20-360	Amended	15:5 VA.R. 661	1/1/99
18 VAC 135-20-370	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-380	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-390	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-400	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-410	Amended	15:5 VA.R. 662	1/1/99
18 VAC 135-20-420	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-430	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 135-20-440	Repealed	15:5 VA.R. 663	1/1/99
18 VAC 140-20-10	Amended	15:5 VA.R. 663	12/23/98
18 VAC 140-20-30	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-35	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-37	Added	15:5 VA.R. 664	12/23/98
18 VAC 140-20-40	Amended	15:5 VA.R. 664	12/23/98
18 VAC 140-20-45	Added	15:5 VA.R. 665	12/23/98
18 VAC 140-20-50	Amended	15:5 VA.R. 665	12/23/98
18 VAC 140-20-60	Amended	15:5 VA.R. 667	12/23/98
18 VAC 140-20-70	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-80	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-90	Repealed	15:5 VA.R. 668	12/23/98
18 VAC 140-20-110	Amended	15:5 VA.R. 668	12/23/98
18 VAC 140-20-150	Amended	15:5 VA.R. 669	12/23/98
18 VAC 150-20-10	Amended	15:5 VA.R. 687	12/23/98
18 VAC 150-20-30	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-40	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-50	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-60	Repealed	15:5 VA.R. 688	12/23/98
18 VAC 150-20-70	Amended	15:5 VA.R. 688	12/23/98
18 VAC 150-20-75	Added	15:5 VA.R. 690	12/23/98
18 VAC 150-20-80	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-90	Repealed	15:5 VA.R. 690	12/23/98
18 VAC 150-20-100	Amended	15:5 VA.R. 690	12/23/98
18 VAC 150-20-110	Amended	15:5 VA.R. 691	12/23/98
18 VAC 150-20-115	Added	15:5 VA.R. 691	12/23/98
18 VAC 150-20-120	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-130	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-140	Amended	15:5 VA.R. 692	12/23/98
18 VAC 150-20-150	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-160	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-170	Repealed	15:5 VA.R. 693	12/23/98
18 VAC 150-20-180	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-185	Added	15:5 VA.R. 694	12/23/98
18 VAC 150-20-190	Amended	15:5 VA.R. 694	12/23/98
18 VAC 150-20-190	Erratum	15:9 VA.R. 1276	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 150-20-195	Added	15:5 VA.R. 696	12/23/98
18 VAC 150-20-200	Amended	15:5 VA.R. 696	12/23/98
18 VAC 150-20-200	Erratum	15:9 VA.R. 1276	--
18 VAC 150-20-205	Added	15:5 VA.R. 701	12/23/98
18 VAC 150-20-210	Amended	15:5 VA.R. 701	12/23/98
18 VAC 155-20-40	Amended	15:13 VA.R. 1938	5/1/99
Title 19. Public Safety			
19 VAC 30-20-80	Amended	15:9 VA.R. 1254	3/17/99
19 VAC 30-20-220	Amended	15:9 VA.R. 1254	3/17/99
19 VAC 30-20-250	Amended	15:9 VA.R. 1254	3/17/99
19 VAC 30-20 (Forms)	Added	15:14 VA.R. 2078-2079	--
19 VAC 30-70-5	Amended	15:2 VA.R. 177	11/11/98
19 VAC 30-70-7	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-10	Amended	15:2 VA.R. 178	11/11/98
19 VAC 30-70-50	Amended	15:2 VA.R. 180	11/11/98
19 VAC 30-70-70 through 19 VAC 30-70-100	Amended	15:2 VA.R. 181-184	11/11/98
19 VAC 30-70-140	Amended	15:2 VA.R. 185	11/11/98
19 VAC 30-70-160	Amended	15:2 VA.R. 187	11/11/98
19 VAC 30-70-180	Amended	15:2 VA.R. 190	11/11/98
19 VAC 30-70-180	Erratum	15:8 VA.R. 1099	--
19 VAC 30-70-200	Amended	15:2 VA.R. 192	11/11/98
19 VAC 30-70-440 through 19 VAC 30-70-500	Amended	15:2 VA.R. 192-203	11/11/98
19 VAC 30-70-550	Amended	15:2 VA.R. 207	11/11/98
19 VAC 30-70-570	Amended	15:2 VA.R. 208	11/11/98
19 VAC 30-70-580	Amended	15:2 VA.R. 209	11/11/98
19 VAC 30-70-680	Amended	15:2 VA.R. 211	11/11/98
Title 20. Public Utilities and Telecommunications			
20 VAC 5-400-151	Added	15:14 VA.R. 2068	7/1/99
Title 22. Social Services			
22 VAC 40-35-10	Amended	15:6 VA.R. 922	1/6/99
22 VAC 40-35-125	Added	15:6 VA.R. 924	1/6/99
22 VAC 40-40-10 et seq.	Repealed	15:9 VA.R. 1256	2/17/99
22 VAC 40-41-10 et seq.	Added	15:9 VA.R. 1256-1258	2/17/99
22 VAC 40-41 (Forms)	Added	15:9 VA.R. 1258	--
22 VAC 40-71-10	Amended	15:9 VA.R. 1259	2/18/99
22 VAC 40-71-490	Amended	15:9 VA.R. 1262	2/18/99
22 VAC 40-140-10 et seq.	Repealed	15:10 VA.R. 1323	3/3/99
22 VAC 40-141-10 through 22 VAC 40-141-210	Added	15:10 VA.R. 1323-1331	3/3/99
22 VAC 40-141 (Forms)	Added	15:10 VA.R. 1331-1338	--
22 VAC 40-325-10 and 22 VAC 40-325-20 emer	Added	15:12 VA.R. 1849-1850	4/1/99-3/31/00
Title 23. Taxation			
23 VAC 10-110-225 through 23 VAC 10-110-229 emer	Added	15:12 VA.R. 1851-1853	2/4/99-2/3/00
23 VAC 10-110-228	Erratum	15:14 VA.R. 2081	--
Title 24. Transportation and Motor Vehicles			
24 VAC 30-200-10	Amended	14:26 VA.R. 4267	10/14/98
24 VAC 30-200-10	Erratum	15:1 VA.R. 50 (4396)	--
24 VAC 30-200-20	Amended	14:26 VA.R. 4268	10/14/98
24 VAC 30-200-30	Amended	14:26 VA.R. 4269	10/14/98
24 VAC 30-200-40	Added	14:26 VA.R. 4270	10/14/98
24 VAC 30-200-40	Erratum	15:1 VA.R. 50	--
24 VAC 30-350-10	Amended	15:13 VA.R. 1939	2/22/99
24 VAC 30-470-10	Amended	15:10 VA.R. 1339	1/11/99

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to consider amending regulations entitled: **9 VAC 5-80-10 et seq. Regulations for the Control and Abatement of Air Pollution (Rev. D98)**. The purpose of the proposed action is to impose enforceable mechanisms to assure that collectively all such sources, new and modified, will not exceed the total NO_x emissions cap established by the U.S. Environmental Protection Agency for the Commonwealth for the year 2007 ozone season.

Public Meeting: A public meeting will be held by the department in the Training Room, Department of Environmental Quality Headquarters, 629 East Main Street, Richmond, Virginia, at 10 a.m. on June 9, 1999, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad Hoc Advisory Group: The department will form an ad hoc advisory group to assist in the development of the regulation. If you desire to be on the group, notify the agency contact in writing by 4:30 p.m. June 10, 1999, and provide your name, address, phone number and the organization you represent (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants. If you wish to be on the group, you are encouraged to attend the public meeting mentioned above. The primary function of the group is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus.

Public Hearing Plans: After publication in the Virginia Register of Regulations, the department will hold at least one public hearing to provide opportunity for public comment on any regulation amendments drafted pursuant to this notice.

Issues for Additional Comment and Consideration: As explained below in this notice under "Applicable Legal Requirements", the U.S. Environmental Protection Agency has promulgated a final regulation (Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone; 63 FR 57356, October 27, 1998) which requires that Virginia and certain other states submit a State Implementation Plan (SIP) revision prohibiting those amounts of NO_x emissions which significantly contribute to air quality problems in downwind

states. The rulemaking, also known as the NO_x SIP Call rule, also includes statewide NO_x emissions budget levels that each state must achieve by the year 2007. Furthermore, the NO_x SIP call rule identifies specific source categories that are covered by the budget.

The primary purpose of this proposed action is to address one element of the SIP revision to impose enforceable mechanisms to assure that collectively all the covered sources, including new and modified, will not exceed the total budget established for the specific source categories by EPA for the Commonwealth for the year 2007 ozone season. This element is required by 40 CFR 51.121(f)(2)(ii) of the NO_x SIP Call rule.

To address this element of the SIP revision, the proposal is to amend the existing regulation of the board which requires emission offsets prior to locating new major stationary sources and expansions to existing ones in nonattainment areas. However, the approach to address the sources covered by the NO_x SIP Call rule would vary somewhat. First, the geographic area covered would be statewide. Second, the pollutant covered would be limited to NO_x and the sources covered would be limited to those sources subject to the budget.

The NO_x SIP Call rule permits the states to include an allowance trading program as an option in their SIP revisions. This element is allowed under 40 CFR 51.121(p) and is contained in 40 CFR Part 96 of the NO_x SIP Call rule. The allowance trading system is very similar to the emissions trading system described below in this notice under "Need" except the geographic area is different and the pollutant and sources covered are limited as described in the preceding paragraph. For this reason the allowance trading system is classified as a closed market trading system.

The agency did not originally plan to address this optional allowance trading system in this proposal but intended to consider it in a later proposal. However, the results of the policy analysis of this proposal performed under the executive review process includes a conclusion that it would be beneficial to address the optional allowance trading system in this proposal and a recommendation that the agency do so. The agency is seriously considering doing so and is specifically soliciting comment on whether it should include the optional allowance trading system in this proposal or not.

Need: The contemplated regulation is essential for the efficient and economical performance of an important governmental function. The reasoning for this conclusion, along with a discussion of the problems the regulation's provisions are intended to solve, is set forth below.

One of the primary goals of the federal Clean Air Act (Act) is the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant

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deterioration (PSD) of air quality in areas cleaner than the NAAQS.

The NAAQS, developed and promulgated by the U.S. Environmental Protection Agency (EPA), establish the maximum limits of pollutants that are permitted in the outside ambient air. EPA requires that each state submit a plan (called a State Implementation Plan or SIP), including any laws and regulations necessary to enforce the plan, showing how the air pollution concentrations will be reduced to levels at or below these standards (i.e. attainment). Once the pollution levels are within the standards, the plan must also demonstrate how the state will maintain the air pollution concentrations at reduced levels (i.e. maintenance).

The heart of the SIP is the control strategy. The control strategy describes the measures to be used by the state to attain and maintain the air quality standards. There are three basic types of measures: stationary source control measures, mobile source control measures, and transportation source control measures. Stationary source control measures are directed at limiting emissions primarily from commercial/industrial facilities and operations. Mobile source control measures are directed at limiting tail pipe and other emissions primarily from motor vehicles and include the following: Federal Motor Vehicle Emission Standards, fuel volatility limits, reformulated gasoline, emissions control system anti-tampering program, and inspection and maintenance program. Transportation source control measures are directed at limiting the location and use of motor vehicles and include the following: car pools, special bus lanes, rapid transit systems, commuter park and ride lots, bicycle lanes, signal system improvements, and many others.

A state implementation plan is the key to the air quality programs. The Act, as amended in 1990, encourages the use of market-based programs to facilitate the attainment of the milestones and goals in the SIP. One market-based program to assist in meeting these goals is emissions trading.

Emissions trading consists of bubbles, netting, offsetting and emissions reduction credit banking. These steps involve the creation of surplus emissions reduction credits at sources of air pollution for use to meet SIP air pollution control requirements by the same or other sources. The source creating the emission reduction credit could either sell (trade) the credit to another source or store (bank) the credit for later use or sale. Such a program can provide more flexibility to meet environmental requirements, thus reducing costs and encouraging faster compliance. Moreover, the development of generic trading rules enables states to expedite the attainment of SIP goals and eliminates the need for case-by-case review of emission trading projects. New and existing sources can take advantage of emissions trading. In order to obtain an air quality permit in some air quality areas, new industry and existing industry that is significantly expanding or modifying its operations must find credits to offset the amount of new pollution released so there is no net increase in pollution levels in the area.

The Act requires that states include a New Source Review (NSR) program in the SIP. NSR requires owners of new sources and existing sources which modify their operations to obtain a preconstruction permit. In areas not in compliance with the NAAQS (i.e. nonattainment areas), one of the NSR requirements is that the source obtain sufficient surplus emissions reductions to more than "offset" their new emissions. Depending on the nonattainment classification of the area, these "offsets" must be secured at a minimum ratio of 1.1 to one. Offsets are also required in attainment areas if the new emissions would create a nonattainment situation. The amount of offset would be that necessary to correct the nonattainment situation. These requirements are designed to allow industrial growth without interfering with attainment and maintenance of NAAQS. Emissions trading would facilitate new sources in obtaining these offsets.

Properly utilized, emissions trading can provide more flexibility for both new and existing industry to meet environmental requirements, while reducing pollution control costs and encouraging faster compliance with regulatory requirements. Emissions trading can also provide an incentive for industry to install innovative pollution control equipment and increase pollution prevention efforts.

Alternatives: Alternatives to the proposed regulation amendments being considered by the department are discussed below. The department has tentatively determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulatory action. The alternatives being considered by the department, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option is being selected because it meets the stated purpose of the regulatory action and provides a means to meet the emission caps in a more cost effective manner.
2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option is not being selected because it would not necessarily meet the federal requirements for SIP approval and could result in federal sanctions.
3. Take no action to amend the regulations and continue to permit NO_x sources without regard to the federally imposed NO_x cap. This option is not being selected because it clearly would result in a SIP disapproval by EPA which would result in a mandatory Federal Implementation Plan.

Costs and Benefits: The department is soliciting comments on the costs and benefits of the alternatives stated above or other alternatives.

Applicable Legal Requirements: The identification and description of (i) the source(s) of the federal legal requirements to promulgate the contemplated regulation, (ii) the scope of the requirements provided, and (iii) the extent to

which the authorized rulemaking is mandatory or discretionary may be found below. A copy of all cited legal provisions is attached or may be found at the Internet sites listed below.

Federal Clean Air Act (CAA):
<http://www.epa.gov/ttn/oarpg/gener.html>

Code of Federal Regulations (CFR):
<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html>

Federal Register (FR):
http://www.gpo.gov/su_docs/aces/aces140.html

Section 172 contains the basic requirement for a permit program, while section 173 contains the specifics which are summarized below.

Section 173 (a) provides that a permit may be issued if the following criteria are met:

1. Offsets have been obtained for the new or expanding sources from existing sources so that total allowable emissions (i) from existing sources in the region, (ii) from new or modified sources which are not major emitting facilities, and (iii) from the proposed new source will be sufficiently less than total emissions from existing sources prior to the application for the permit so as to represent reasonable further progress.
2. The proposed source is required to comply with the lowest achievable emission rate.
3. The owner of the proposed source has demonstrated that all major stationary sources owned or operated by the owner in the state are subject to emission limitations and are in or on a schedule for compliance with all applicable emission limitations or standards.
4. The State Implementation Plan is being adequately implemented for the nonattainment area in which the proposed source is to be located.
5. An analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

Section 173 (b) prohibits the use of any growth allowance that is part of a SIP revision in effect prior to the adoption of the new Act for areas designated nonattainment after adoption of the new Act.

Section 173 (c) provides that the owner of the proposed new or modified source may obtain offsets only from the nonattainment area in which the proposed source is to be located. However, the permit program may provide that offsets may be obtained from other nonattainment areas whose emissions impact in the area where the proposed source is to be located, provided the other nonattainment area has an equal or higher classification and the offsets are based on actual emissions.

Section 173 (d) provides that states must promptly submit any control technology information relative to the permit program to EPA for entry into the BACT/LAER clearinghouse.

Section 173 (e) provides that the permit program must allow the use of alternative or innovative means to achieve offsets for emission increases due to rocket engine and motor firing and cleaning related to the firing.

A major stationary source is defined for general application in § 302 of the Act as "any facility or source of air pollutants which directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant." For nonattainment areas defined as serious or worse, § 182 (c) specifically defines a major stationary source as a facility emitting 50 tons per year or more. Section 182 (f) provides that requirements which apply to major stationary sources of VOCs under the Act shall also apply to major stationary sources of NO_x.

Many areas within the eastern half of the United States petitioned EPA regarding their inability to achieve the ozone standard due to significant amounts of ozone and oxides of nitrogen (NO_x), a precursor to ozone, being transported across state boundaries. EPA made a determination, (Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone; 63 FR 57356, October 27, 1998), that sources in 22 states and the District of Columbia emitted NO_x in amounts that significantly contribute to nonattainment of the ozone NAAQS in one or more downwind states. EPA also required that each of the affected upwind jurisdictions (sometimes referred to as upwind states) submit State Implementation Plan (SIP) revisions prohibiting those amounts of NO_x emissions which significantly contribute to downwind air quality problems. Virginia was included as one of the upwind states.


The final rule published by EPA included statewide NO_x emissions budget levels that each state must achieve by the year 2007. Failure to achieve the budget will result in a Federal Implementation Plan (FIP) for which EPA has also published a Notice of Proposed Rulemaking (63 FR 56394, October 21, 1998).

The NO_x SIP Call final rule also included a requirement (40 CFR 51.121(f)(2)(ii)) that the state SIP impose enforceable mechanisms to assure that collectively all such sources including new and modified units, will not exceed the NO_x emissions projected for the year 2007 ozone season. The current regulation for Major New Source Review must be amended to ensure that enforceable mechanisms are in place. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Public comments may be submitted until 4:30 p.m. June 10, 1999, to the Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240.

Notices of Intended Regulatory Action

Contact: Mary E. Major, Environmental Program Manager, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, toll-free 1-800-592-5482 or (804) 698-4021/TTY 

VA.R. Doc. No. R99-149; Filed April 20, 1999, 3:02 p.m.

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-60-12 et seq. Virginia Hazardous Waste Management Regulations (Amendment 15)**. The purpose of the proposed action is to update the regulations regarding transportation, treatment, storage, and disposal of hazardous waste so as to protect the public health, natural resources and environment; maintain consistency with federal requirements; and maintain authorization. By maintaining the equivalence of its regulations with those issued by the United States Environmental Protection Agency (USEPA) under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), the Commonwealth remains eligible to carry out its own hazardous waste management program and be an authorized state under the federal acts.

Amendment 15 will consider incorporation of changes in the federal regulations in Title 40 of the Code of Federal Regulations occurring since Amendment 14 through July 1, 1998, including amendments promulgated in the Federal Register on, at least, the following dates: January 3, 1995, December 6, 1994, January 13, 1995, February 9, 1995, April 17, 1995, May 12, 1995, April 4, 1995, May 19, 1995, June 29, 1995, July 11, 1995, September 29, 1995, October 30, 1995, December 11, 1995, February 9, 1996, March 26, 1996, April 8, 1996 (2), April 30, 1996, June 28, 1996, July 10, 1996, August 26, 1996, February 17, 1997, April 12, 1996, July 1, 1996, December 6, 1994, May 19, 1995, September 29, 1995, November 13, 1995, February 9, 1996, June 5, 1996, November 23, 1996, January 14, 1997, February 12, 1997, May 12, 1997, June 13, 1997, June 17, 1997, July 14, 1997, August 28, 1997, December 5, 1997, December 8, 1997, April 15, 1998, May 4, 1998, June 29, 1998, May 6, 1998, July 14, 1998, May 26, 1998, June 8, 1998, and June 19, 1998. These amendments of the federal regulations address, at least, the following items:

1. Revisions of the Universal Treatment Standards regarding land disposal restrictions or related changes;
2. Revisions to listings and exemptions of certain carbamate chemicals production wastes (U and K listings);
3. Housekeeping changes related to adoption errors and obsolete provisions;

4. Adoption of additional test methods related to rules that prohibit liquids in landfills;

5. New rules about the public participation process in the permitting of storage, treatment and disposal facilities and for test burns at incinerators and combustion facilities;

6. Correction of adoption errors in the exclusion rules for recovered oil which is recycled;

7. Addition of rules related to Phase III of the land disposal restriction and treatment standards concerning carbamate pesticide production wastes, primary aluminum production wastes, characteristic wastes, listed wastes, and wastes that are diluted;

8. Identification of import and export wastes subject to the graduated system of controls under the Organization for Economic Cooperation and Development;

9. Revisions of rules for disposal of wastes from conditionally exempt small quantity generators;

10. Adoption of additional air standards for the control of organic emissions from tanks, surface impoundments, containers and miscellaneous units, including during accumulation of waste on-site;

11. Extensions of the national capacity variance (under Phase III of the Land Disposal Restrictions) for spent potliners for primary aluminum production;

12. Adoption of Military Munitions Rule, which identifies when conventional and chemical military munitions become a hazardous waste, provides rules for the safe storage and transport of such waste, changes rules regarding emergency responses involving munitions and explosives, and exempts generators and transporters from manifest requirements on right-of-ways that are on or along the border of contiguous properties under the control of the same person;

13. Adoption of land disposal restrictions - Phase IV, which establishes treatment standards under the land disposal restrictions for waste from wood preserving operations, revises record keeping related to land disposal restrictions, regulates polymerizations as a treatment alternative, clarifies de minimis amounts exemption of characteristic wastewaters, and excludes processed circuit boards and scrap metal from regulation as hazardous wastes;

14. Update the incorporation by reference citation of SW-846, Third Edition, "Test Methods for Evaluation Solid Waste, Physical/Chemical Methods," to include changes through January 13, 1997 (through Update III);

15. Revisions and withdrawals of certain rules related to listing of carbamate wastes;

16. Extension of alternate treatment standard for carbamate under the land disposal restrictions (Aug. 26, 1997, to Aug. 26, 1998);

Notices of Intended Regulatory Action

17. Clarifications of the rules for authorization of variances from the treatment standards of the land disposal restriction regulations, and incorporation of rules requiring public participation in site specific variance considerations;

18. Amendments and clarifications of the air standards for the control of organic emissions from tanks, surface impoundments, and container;

19. Exclusions from regulation as hazardous waste of the condensates derived from the overhead gases from kraft mill steam strippers under specified conditions;

20. Additions of specific organobromine production wastes to the list of hazardous wastes and listings of land disposal treatment standards for those wastes;

21. Correction and adoption of rules related to the management standards of used oil contaminated with PCB's and other used oil;

22. Adoption of treatment standards under the land disposal restrictions for metal wastes, mineral processing waste and 12 metal constituents; adoption of land disposal prohibition and treatment standards for mineral processing waste that are ignitable, corrosive or reactive; amendment of the definition of when secondary materials being recycled are solid waste so as to exclude certain mineral processing waste; amendment of the definition of which wastes fall under the Bevill exemption; adoption of treatment standards under the land disposal restrictions for contaminated soils as waste; and adoption of corrections and clarifying provisions to the land disposal restrictions;

23. Exclusion from regulation as solid waste those fuels produced from a hazardous waste which is comparable to some currently used fossil fuels, and addition of provisions to make it easier for existing facilities to make changes to their existing permit.

In addition to the promulgated amendments of federal regulations, Amendment 15 may consider the following items:

1. Errors and omissions resulting from previous amendments of the regulations, including the change in the format of the regulations effected by Amendment 14;

2. Several amendments to the requirements for the transportation of hazardous waste, including insurance requirements; financial assurance requirements for hazardous waste management facilities; and documentation demonstrating compliance with financial assurance requirements which were recommended by commenters regarding Amendment 14, but which could not be addressed in Amendment 14 for procedural reasons;

3. Revision of the schedule of permit application fees to reflect increased cost of permit reviews;

4. Further use or expansion of the format of incorporation by reference of federal regulations;

5. Inclusion of additional waste streams as listed Universal Wastes;

6. Alterations or clarifications of the regulations concerning transfer stations and the definition of transfer stations to prevent inappropriate siting of the transfer station and abusive practices; and

7. Alterations or clarifications of the regulations concerning receipt of waste from conditionally exempt small quantity generators to prevent threats caused by amassing such waste from several generators in an inappropriate manner.

A technical advisory committee will advise the Department of Environmental Quality on what amended regulatory text to recommend to the board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exist, and during the public participation process, the general public will also be asked to suggest less intrusive and burdensome alternatives. The vast majority of changes to be considered will be the direct result of incorporation of federal regulatory text into Commonwealth regulations, and consistency with federal regulations is required by the Act and necessary for authorization of the Commonwealth's program by USEPA. Many of the changes to federal regulations that would be incorporated are themselves a reduction in intrusion and burden on the regulated community from prior federal requirement currently incorporated into the Commonwealth regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until June 1, 1999.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4213, FAX (804) 698-4327 or (804) 698-4021/TTY ☎

VA.R. Doc. No. R99-127; Filed March 10, 1999, 10:26 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with

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statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-130; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-31-10 et seq. Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-131; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-40-10 et seq. Regulations Governing the Practice of Respiratory Care Practitioners.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-132; Filed March 23, 1999, 11:47 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-50-10 et seq. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-133; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-80-10 et seq. Regulations for Licensure of Occupational Therapists.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-134; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-101-10 et seq. Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Notices of Intended Regulatory Action

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-135; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-110-10 et seq. Regulations Governing the Practice of Licensed Acupuncturists.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

VA.R. Doc. No. R99-136; Filed March 23, 1999, 11:48 a.m.

BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled: **18 VAC 90-20-10 et seq. Regulations of the Board of Nursing.** The purpose of the proposed action is to consider an increase in certain fees for nurses and nurse aides regulated by the Board of Nursing in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909 or FAX (804) 662-9943.

VA.R. Doc. No. R99-137; Filed March 23, 1999, 11:47 a.m.

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-20-10 et seq. Virginia Board of Pharmacy Regulations.** The purpose of the proposed action is to consider an increase in certain fees for practitioners and facilities regulated by the Board of Pharmacy in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.

VA.R. Doc. No. R99-139; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-30-10 et seq. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The purpose of the proposed action is to consider an increase in renewal fees for physicians licensed to sell drugs by the Board of Pharmacy in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911 or FAX (804) 662-9943.

VA.R. Doc. No. R99-138; Filed March 23, 1999, 11:48 a.m.

Notices of Intended Regulatory Action

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to consider amending regulations entitled: **18 VAC 115-20-10 et seq. Regulations Governing the Practice of Licensed Professional Counseling.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Evelyn B. Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9933 or FAX (804) 662-9943.

VA.R. Doc. No. R99-140; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to consider amending regulations entitled: **18 VAC 115-30-10 et seq. Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Evelyn B. Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9933 or FAX (804) 662-9943.

VA.R. Doc. No. R99-141; Filed March 23, 1999, 11:47 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to consider amending regulations entitled: **18 VAC 115-40-10 et seq. Regulations Governing the Certification of Rehabilitation Providers.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Evelyn B. Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9933 or FAX (804) 662-9943.

VA.R. Doc. No. R99-142; Filed March 23, 1999, 11:48 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals intends to consider amending regulations entitled: **18 VAC 115-50-10 et seq. Regulations Governing the Practice of Marriage and Family Therapists.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Evelyn B. Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9933 or FAX (804) 662-9943.

VA.R. Doc. No. R99-143; Filed March 23, 1999, 11:48 a.m.

BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to consider amending regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9933 or FAX (804) 662-9943.

VA.R. Doc. No. R99-144; Filed March 23, 1999, 11:48 a.m.

REAL ESTATE BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Real Estate Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **18 VAC 135-60-10 et seq. Common Interest Community Management Information Fund Regulations**, which was published in 9:22 VA.R. 3836 July 26, 1993. The Real Estate Board may commence regulatory action at a later date; however, no further action on this particular notice will be taken.

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Veterinary Medicine intends to consider amending regulations entitled: **18 VAC 150-20-10 et seq. Regulations Governing the Practice of Veterinary Medicine.** The purpose of the proposed action is to consider an increase in certain fees for practitioners regulated by the Board of Medicine in order to comply with statutory requirements for revenues to be sufficient to cover the expenditures of the board. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until May 12, 1999.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or FAX (804) 662-9943.

VA.R. Doc. No. R99-145; Filed March 23, 1999, 11:48 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-600-10 et seq. Food Stamp Program Administrative Disqualification Hearings.** The purpose of the proposed action is to amend the regulation to (i) address the change in the role of an administrative board, instead of the State Board of Social Services, in reviewing hearing decisions; (ii) expand the definition of an intentional program violation; and (iii) hold administrative hearings when preliminary hearing notices are returned. These changes are needed, in part, as a result of changes to § 63.1-116 of the Code of Virginia made by Chapter 412, 1997 Acts of the Assembly. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Public comments may be submitted until June 9, 1999.

Contact: Patricia Duva, Food Stamp Program Manager, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1712 or FAX (804) 692-1704.

VA.R. Doc. No. R99-150; Filed April 20, 1999, 12:45 p.m.

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to consider amending regulations entitled: **23 VAC 10-110-10 et seq. Individual Income Tax: Qualified Equity and Subordinated Debt Investments Tax Credit.** The purpose of the proposed action is to prescribe procedures for claiming the Qualified Equity and Subordinated Debt Investments Tax Credit and the process for the allocation of tax credits among taxpayers when requests for the credit

Notices of Intended Regulatory Action

exceed \$5 million in a calendar year. The result of this action will replace emergency regulations with permanent regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 58.1-203 and 58.1-339.4 of the Code of Virginia.

Public comments may be submitted until May 12, 1999, to David T. Mason, Department of Taxation, Office of Tax Policy, P.O. Box 1880, Richmond, VA 23220-1880, or e-mail dmason@tax.state.va.us.

Contact: Michael M. Melson, Executive Assistant for Tax Policy, Department of Taxation, Office of Tax Policy, P.O. Box 1880, Richmond, VA 23220-1880, telephone (804) 367-8010 or FAX (804) 367-0045.

VA.R. Doc. No. R99-146; Filed March 24, 1999, 9:39 a.m.

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PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS



PUBLIC COMMENT PERIODS REGARDING STATE AGENCY REGULATIONS

This section gives notice of public comment periods and public hearings to be held on proposed regulations. The notice will be published once at the same time the proposed regulation is published in the Proposed Regulations section of the *Virginia Register*. The notice will continue to be carried in the Calendar of Events section of the *Virginia Register* until the public comment period and public hearing date have passed.

Notice is given in compliance with § 9-6.14:7.1 of the Code of Virginia that the following public hearings and public comment periods regarding proposed state agency regulations are set to afford the public an opportunity to express their views.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

June 9, 1999 – Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.** These regulations implement the Virginia Children's Medical Security Insurance Plan and establish the eligibility standards, criteria, service limitations, reimbursement criteria, and quality assurance requirements.

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 464, 1998 Acts of Assembly (Item 335 U 2).

Public comments may be submitted until June 9, 1999, to Kathryn Kotula, Director, Division of Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.

Language which has been stricken indicates proposed text for deletion.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.**

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 464, 1998 Acts of Assembly (Item 335 U 2).

Public Hearing Date: N/A -- Public comments may be submitted until June 9, 1999.
(See Calendar of Events section for additional information)

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements.

Subtitle J of the federal Balanced Budget Act of 1997, signed into law by the President in August 1997, established the State Children's Health Insurance Program for the purpose of providing health care services to children, younger than age 19, in families which have incomes up to 200% of the federal poverty level. This new Title XXI enabled states to initiate and expand health insurance coverage for uninsured children under age 19 with incomes up to 200% of the poverty line who are not eligible for Medicaid (services under Title XIX of the Social Security Act).

Purpose: The purpose of this proposal is to promulgate permanent regulations to provide for health insurance coverage for children in poor families as enabled by the Balanced Budget Act of 1997, Subtitle J. Such health insurance coverage will only be provided to children who do not have such coverage.

Substance: This program provides enhanced federal matching funds for these services and the 1998 match rate for the Commonwealth is 66% compared to the regular Medicaid federal dollar match rate of 51.5%. In order to access the enhanced federal matching funds, the Commonwealth has developed a separate health insurance program, Virginia Children's Medical Security Insurance Plan (VCMSIP), which is consistent with the requirements of the federal legislation.

The federal legislation appropriated \$24 billion in matching funds over five years (\$48 billion over 10 years) and included a formula for individual state allocations. Virginia's

allocation for FFY 1998 will be \$68.7 million with similar amounts in each of the three succeeding years. In order to receive federal money, the Commonwealth must have a Title XXI State Plan approved by the U.S. Secretary (the Secretary) of Health and Human Services. The Secretary approved the Commonwealth's Plan on October 23, 1998.

Title XXI provided broad options to the states to implement a child health insurance program: to expand Medicaid, to create a separate health insurance program or to choose a combination of the two approaches. Whatever the states' initial decisions, the federal law permits future changes or additions.

By electing to create a separate program rather than expanding the Title XIX Medicaid program, the Commonwealth has greater flexibility to design its program within the broad parameters established in the federal legislation. The benefit package, however, was required to be similar to or of equivalent value to one of three commercial "benchmarks." Benchmark plans are the standard Blue Cross Blue Shield preferred provider option under the Federal Employees Health Benefits Plan, a health benefits coverage plan generally available to state employees or an HMO plan with the largest insured commercial, non-Medicaid enrollment.

In Virginia's Title XXI Plan, the VCMSIP created a program to cover uninsured low-income children ages 0 through 18 who are not eligible for Title XIX Medicaid services. Virginia's plan consists of two components: (i) child health insurance for children in families with incomes up to 150% of the federal poverty level and (ii) child health insurance for children in families with incomes between 150% and 185% of the federal poverty level. These regulations provide new health care coverage for children in poor families whose incomes preclude their qualifying for Medicaid (under Title XIX) health care coverage. The health care services provided by these new regulations will almost mirror the health care coverage provided to Medicaid eligible persons.

VCMSIP covers an array of preventive, diagnostic, treatment, and rehabilitative services for eligible children. The VCMSIP service coverage matches the services covered under Medicaid such as, inpatient and outpatient hospital, physician, pharmacy, home health, clinic services, etc. In addition, VCMSIP coverage includes outpatient substance abuse services not covered under Medicaid. The same benefit limits apply to VCMSIP covered services as those applied to Medicaid covered services.

An applicant for or enrollee of the Virginia Children's Medical Security Insurance Plan may request an administrative review of any adverse action proposed or taken by the agency. The regulations specify when the agency must send the notice of adverse action and specify when and how the applicant or enrollee must request administrative review.

The regulations state that administrative reviews will be conducted pursuant to written procedures developed by DMAS and that a copy of these procedures will be promptly mailed by DMAS to applicants or enrollees upon DMAS' receipt of a timely request for administrative review.

Reimbursement for all covered services provided to VCMSIP recipients is to be based on the Title XIX rates (Medicaid rates) in effect on the date of services after July 1 of each year for the subsequent state fiscal year. For services provided by the following providers, payment is to be final and there is to be no retrospective cost settlement: (i) inpatient acute care hospitals; (ii) inpatient rehabilitation hospitals; (iii) outpatient hospitals; (iv) federally qualified health centers; (v) rural health clinics; (vi) inpatient mental health units of acute care hospitals; (vii) outpatient rehabilitation agencies. Reimbursement to hospitals shall not include payments made for disproportionate share or graduate medical education.

Reimbursement for outpatient substance abuse services will be based on rates determined for children ages 6-18 and there will no retrospective cost settlement of payments.

Quality assurance is absolutely essential to the delivery of health care services. For the managed care and fee-for-service programs serving VCMSIP clients, comprehensive quality assurance measures are in place at DMAS and include external and professional quality review. Additional standards and oversights are also being developed at the Virginia Department of Health to ensure appropriate quality care for clients in managed care settings.

Cost-sharing provisions will be established. Eligible children of families with incomes above 150% of the Federal Poverty Income Guidelines will be required to contribute to the cost of VCMSIP coverage through payment of enrollment fees, premiums, deductibles, coinsurance or copayments, as permitted under Title XXI. The following restrictions will be placed on such cost sharing: (i) total annual cost sharing by a family will be limited to 5.0% of gross family income; (ii) cost sharing will not be permitted for well-baby and well-child care, including age-appropriate immunizations.

Issues: These regulations are essential to the efficient and economical performance of DMAS administration of this new program. Without these regulations, DMAS lacks the authority to expend the general fund dollars necessary to claim the federal matching funds provided by federal law. The agency projects no negative issues involved in implementing this proposed change. These regulations are advantageous to the public because they establish a program of health insurance for poor children whose families' incomes exceed the Medicaid limits. Many of these affected children's parents are employed in minimum wage jobs and are not offered family health insurance as an employment benefit. Consequently, these children have received little to no outpatient preventive and routine acute medical care and have to resort to charity inpatient hospital care in emergencies.

Fiscal/Budget Impact: The 1998 Virginia Acts of Assembly Chapter 464 Item 335 U (1) - (4) appropriated \$16,590,698

in FY 1999 for the VCMSIP program (\$4,779,912 in GF and special funds) and \$42,137,569 total funds (\$14,292,496 in GF and special funds) in FY 2000. In addition, DMAS received additional funding for Title XIX Medicaid for a projected increase in Medicaid enrollment as a result of outreach for VCMSIP. It is estimated that 31,600 children will enroll in the VCMSIP program by the end of the first year of operation with enrollment reaching 50,560 by the end of the second year and 63,200 when the program reaches maturity. There are no localities that are uniquely affected by these regulations as they apply statewide.

Funding Source/Cost to Localities/Affected Entities: The Virginia Medicaid Program is funded with both federal and state funds. The current federal funding participation (FFP) for medical assistance expenditures is 51.60%, which became effective October 1, 1998. It is estimated that this rate will increase to 51.77% on October 1, 1999. However, under the terms of the Balanced Budget Act of 1997, the FFP for the VCMSIP equals the Federal Medical Assistance Percentage (FMAP) plus 30% of the state's portion of the Medicaid rate. This means that as of October 1, 1998, Virginia's VCMSIP FFP is approximately 66%. Furthermore, the FFP will continue to be 66% throughout the 1998-2000 biennium.

The state share for the VCMSIP program is funded through the state general fund as well as the Virginia Children's Medical Security Plan Trust Fund as authorized in Item 339, budget program 44600 "Virginia Children's Medical Security Plan." The 1998 Appropriation Act appropriated funds for the VCMSIP program in Item 335 budget subprogram 45609 (Medicaid's "Professional and Institutional Services") and Item 338, budget subprogram 46402 ("State Children's Health Insurance Services").

Local social service agencies will be responsible for performing eligibility determinations for the new VCMSIP program. The 1998 Appropriation Act designated that \$2,379,043 of the funding appropriated to DMAS in FY 1999, and \$3,395,274 in FY 2000, will be transferred to the Department of Social Services for local departments of social services' VCMSIP administration.

Forms: The Medicaid application form has been revised to include questions on the Virginia Children's Medical Security Insurance Plan. Information collected on this form will allow a determination of eligibility to be made for both Medicaid and the Virginia Children's Medical Security Insurance Plan. Use of this combined application for benefits will allow individuals to first be screened and enrolled in Medicaid, if appropriate, or to be enrolled in the VCMSIP if Medicaid eligibility is not appropriate.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and

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types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation implements the Virginia Children's Medical Security Insurance Plan (VCMSIP), as required by Chapter 464 of the 1998 Acts of the Assembly. VCMSIP provides health insurance to children (under 19 years of age) in families who are not eligible for Medicaid, but have incomes below 185% of the Federal Poverty Level.

Estimated economic impact.

Benefits of VCMSIP. The proposed regulation will provide health insurance for thousands of uninsured Virginia children. Without health insurance, children often miss out on preventive care and illnesses go untreated until trips to the emergency room are necessary. A report¹ by the United States General Accounting Office demonstrates that uninsured children (i) have less access to preventive, primary and hospital care than insured children, (ii) less frequently receive care when ill or if suffering from chronic conditions, (iii) are hospitalized more frequently for lack of primary care access and (iv) obtain less intense care when hospitalized. Numerous studies have demonstrated a link between poor health and poverty. Providing health insurance for the children of the working poor will result in healthier children, which in turn will provide the opportunity for better performance in school. Improved academic performance creates greater economic opportunities in the future. Also, healthier children make for more economically productive parents, as the children will pass on illness to their parents less often.

The enactment of this regulation will add thousands of new customers for the health insurance industry in Virginia. The regulation stipulates that VCMSIP health care services will be provided through managed care and fee-for-service delivery systems. In addition, the proposed regulation specifically states that services may be offered by firms not currently under contract with DMAS as well as from preferred provider organizations. Thus, if managed well, the opportunity for increased profits may occur for health insurers new to contracting with the Commonwealth as well as those already under contract.

Take-up Rate. How many children benefit from the proposed regulation depends on the "take-up rate." The term take-up rate refers to the percentage of eligible children actually enrolled in the program. It is safe to assume that due to either ignorance of the opportunity, aversion to a perceived stigma from receiving benefits from a welfare-type program, or other reasons, not all eligible children will be

enrolled. DMAS estimates that 72,000 Virginia children are eligible for VCMSIP and that 31,600 (44%) will enroll by the end of the first year, 50,560 (70%) by the end of the second year and 63,200 (88%) when the program reaches maturity after three years.

These estimates may be somewhat high. VCMSIP was put into effect by an emergency regulation in October of 1998. After six months with the program in effect, 7,523 (10% of the estimated eligible population) children have enrolled.

This program includes cost sharing. Families enrolling in VCMSIP with incomes above 150% of the Federal Poverty Line (FPL) are required to pay premiums and co-payments, and potentially co-insurance and enrollment fees. The regulation does not provide any specific dollar figures or formulas for fees. It does stipulate that the annual aggregate cost sharing for all eligible children in a family shall not exceed 5.0% of the family gross income. Requiring program participants to pay for the service they receive will, to some degree, dampen the demand for those services. This is not to say that cost sharing should be avoided. Linking payment to the use of scarce resources, such as health care, prevents its inefficient overuse.

The economically optimal level of cost sharing is that level that discourages most low value use of medical services but does not discourage much high value utilization. Since the type and magnitude of cost sharing that will be used once this regulation becomes effective have not been specified, it is not possible to assess the net economic value of the cost-sharing levels chosen. The stipulation within this regulation that the annual aggregate cost sharing for all eligible children in a family shall not exceed 5.0% of the family gross income constrains the cost-sharing levels, but it is beyond the scope of this analysis to determine whether the economically optimal level is less than or greater than this amount. This depends in part on the type of cost sharing used. For example, premiums and co-pays would probably have significantly different effects on patterns of use of medical services by the covered group. Premiums will likely have more of an impact on the take-up rate and co-payments will primarily affect levels of utilization for those already in the program.

As mentioned earlier, eligible children will not be enrolled due to a variety of reasons ranging from their parents' unawareness of the opportunity to difficulty in finding the time and ability to fill out forms and work through the system. It is quite probable that some of the neediest children will go without health insurance for which they qualify under VCMSIP. In that case increased efforts at outreach would likely be cost effective. The costs of informing greater numbers of eligible families of the program and making it more convenient to apply are likely outweighed by the gains to society of healthier children as described above.

Crowding Out. One concern expressed when the U.S. Congress passed the federal Balanced Budget Act of 1997 and established the State Children's Health Insurance Program was that some private health insurance would be "crowded out" by the new government sponsored health

¹ Health Insurance: Coverage Leads to Increased Health Care Access for Children, Washington, D.C., General Accounting Office, 1997 (publication no. GAO/HEHS-98-14).

insurance. Crowding out can occur as a result of employees electing to drop employer-based coverage for a child in favor of a less costly public option or as a result of employers deciding to discontinue coverage for child dependents. This regulation has been written in such a way that crowding out should not be a problem for VCMSIP in the short run. Children must be without health insurance for at least 12 months prior to their application in order to qualify for VCMSIP. Thus, families with children's health insurance through their employer will not be eligible for VCMSIP and therefore cannot drop their employer-based coverage and obtain VCMSIP. Also, it would appear unlikely that many parents will drop their children's current health insurance and wait 12 months in order to qualify for VCMSIP.

In the long run, some crowding out may occur. Firms that may have considered adding health insurance coverage for their employees' children will have less incentive to do so with VCMSIP in place. If their employees already receive health insurance for their children from VCMSIP, these employers have less incentive to go to the expense of providing such coverage. Since VCMSIP provides more comprehensive medical benefits than many private health care plans, both the firms and the employees may be better off if the employer raises salaries by an amount less than the employer's cost of the health insurance. In cases where an increase in salary would raise the employee's income above the maximum eligibility level (185% of FPL) for VCMSIP the employer could increase non-monetary benefits instead. The extent of this effect depends, for the most part, on how the 12-month eligibility criterion is actually implemented once this proposal becomes effective.

The eligibility criteria in the proposed regulation specifically state that "if the child has been covered under a health insurance plan within 12 months of application for or receipt of VCMSIP services, the child will be ineligible, unless the parent, guardian or legal custodian demonstrates good cause for discontinuing coverage." Implementing this 12-month ineligibility standard involves making a choice about how stringent or lenient to interpret the "good cause" language. The choice about what level of stringency to choose does have implications for the economic performance of the program.

VCMSIP is unlikely to cause significant crowding out to occur in the short run. In the long run, some degree of crowding out may occur due to the disincentive created for firms to provide coverage. Also, there exists the tradeoff in setting the leniency of the "good cause" language exempting families from the 12-month waiting period. If DMAS waives the 12-month waiting period for families whose employers' have dropped coverage or for families that move from employment with coverage to employment without coverage, then some additional crowding out may occur. Alternatively, to the extent that DMAS requires these same families to wait for 12 months before becoming eligible for VCMSIP, then some children may go without health insurance. DMAS, then, must choose a level of stringency from the continuum between strict and lenient interpretations of the "good cause" language. Just where the balance should be drawn along

this continuum would require a level of analysis that is beyond the scope of this report.

The bottom line is that crowding out, for the most part, constitutes a transfer of wealth between two groups. Taxpayers pay for children's health insurance that would have otherwise been partially paid for by firms. The children of the working poor receive the benefits of health insurance either way. There may be some loss of efficiency if excessive crowding out results in a shift in the level of medical services demanded due to a shifting of people away from privately provided coverage to the public program.

Labor Market Distortion. The proposed regulation does produce some labor market distortion. Under the proposed regulation children immediately lose their VCMSIP coverage when their family's income breaks the 185% of the Federal Poverty Line (FPL) threshold. Thus, parents will be discouraged from accepting raises or seeking better paying jobs when their income is close to 185% of FPL. On the other hand, this may just be considered a change at what income this distortion takes place. Without this regulation, a similar labor market distortion occurs at the income ceiling for Medicaid.

In addition, the exclusion of Commonwealth employees from coverage under the program also provides some labor market distortion. This provision decreases the relative compensation for some public servants versus private sector employment.

Businesses and entities affected.

1. Qualifying children (estimated to be 72,000 by DMAS) and their families.
2. Health Insurance Providers.
3. Medical care facilities and their staff.

Localities particularly affected. This new program will be in effect throughout the Commonwealth. Localities with greater numbers of qualifying families will, of course, be particularly affected. Awareness of the program will also influence how many parents enroll their children. It is likely that the take-up rate will be lower in rural areas versus urban areas due to lower awareness. As the program becomes better known, enrollment is expected to increase throughout the Commonwealth.

Projected impact on employment. The increased number of insured children will require additional employees for both health insurance providers and medical care facilities.

Effects on the use and value of private property. The value of certain health insurance providers and medical practices may rise. Both industries will encounter greater demand for their services with the enactment of this regulation. If managed well, the opportunity for increased profits may occur.

Summary of analysis. In summary, we conclude that VCMSIP will probably provide a significant positive net economic benefit to Virginia. During the discussion of the proposed regulation we have pointed to the likely economic

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impact of a number of choices to be made about the final implementation of the program. Though some decisions will affect the allocation of costs among Virginians, none of these decisions will change the result that the benefits of the program are expected to substantially outweigh the costs. More of Virginia's children will receive greater amounts of appropriate health care, which will improve their future and that of the Commonwealth.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the Economic Impact Analysis prepared by the Department of Planning and Budget regarding the regulations concerning Virginia Children's Medical Security Insurance Plan.

Summary:

The proposed regulation implements the Virginia Children's Medical Security Insurance Plan, which provides for health insurance coverage for uninsured low-income children ages 0 through 18 whose family incomes preclude their qualifying for Medicaid health care coverage under Title XIX. The regulations establish the eligibility standards, criteria, service limitations, reimbursement criteria, and quality assurance requirements for the program.

CHAPTER 140.

VIRGINIA CHILDREN'S MEDICAL SECURITY INSURANCE PLAN.

PART I.

GENERAL PROVISIONS.

12 VAC 30-140-10. Definitions.

"Act" means the Social Security Act.

"Adverse action" means the denial of enrollment and coverage under the Virginia Children's Medical Security Insurance Plan, termination, suspension or reduction of coverage; denial of payment for a particular medical service, in whole or in part; denial of a required preauthorization; or failure of the Department of Medical Assistance Services, as defined in this section, to act with reasonable promptness on an application for enrollment and coverage, a request for a particular medical service or a request for a required preauthorization. There shall be no adverse action under this definition in any of the circumstances described in this section if funding for the Virginia Children's Medical Security Insurance Plan has been terminated or exhausted.

"Agency" means a local department of social services or other entity designated by DMAS to make eligibility determinations for VCMSIP.

"Agent" means an individual designated in writing to act on behalf of a Virginia Children's Medical Security Insurance Plan applicant or enrollee during the administrative review process.

"Applicant" means an individual seeking to enroll in the Virginia Children's Medical Security Insurance Plan.

"Attorney" means an attorney licensed in Virginia or a paralegal, working under the supervision of an attorney so licensed, who is authorized to represent an applicant or enrollee. A written statement on the attorney's letterhead that the attorney is authorized to represent the applicant or enrollee shall be accepted as a designation of representation.

"Creditable health coverage" means that health coverage as defined in the Employee Retirement Income Security Act (ERISA) of 1974, Title I, Subtitle B, § 701(c) (29 USC § 1811(c)(1)).

"Director" means the individual, or his designee, specified in § 32.1-324 of the Code of Virginia with all of the attendant duties and responsibilities to administer the State Plan for Medical Assistance and the State Plan for VCMSIP.

"DMAS" means the Department of Medical Assistance Services or a designee.

"Enrollee" means an individual qualifying for coverage under the Virginia Children's Medical Security Insurance Plan.

"EPSDT" means the Early and Periodic Screening, Diagnosis and Treatment program.

"Federal poverty level" or "FPL" means that income standard as published annually by the U.S. Department of Health and Human Services in the Federal Register.

"Member of a family," for purposes of determining whether the child is eligible for coverage under a state employee health insurance plan, means (i) parent or parents, including absent parents, or (ii) stepparent or stepparents with whom the child is living if the stepparent claims the child as a dependent on the employee's federal tax return.

"Title XIX" means that program of medical assistance as established by Title XIX of the Social Security Act (USC § 1396a et seq.).

"Title XXI" means the federal State Children's Health Insurance Program as established by Subtitle J of the Balanced Budget Act of 1997.

"VCMSIP" means Virginia Children's Medical Security Insurance Plan.

"Virginia State Employee Health Insurance Plan" means a health insurance plan offered by the Commonwealth of Virginia to its employees and includes the Local Choice Program whereby local governmental entities elect to provide local employee's enrollment in the State Employee Health Insurance Plan.

12 VAC 30-140-20. Administration and general background.

A. The state shall use funds provided under Title XXI for obtaining coverage that meets the requirements for a State Child Health Insurance Plan (also known as Title XXI).

B. Health care services under VCMSIP shall be provided through managed care and fee-for-service delivery systems. The director, solely in his discretion, may rely on but is not

limited to the delivery system procured and established under § 32.1-325 of the Code of Virginia and federal law by the authority of § 1915(b) of the Social Security Act. These delivery systems may consist of prepaid health plans that manage and deliver health care for enrollees for a monthly capitated amount and through the Primary Care Case Management Program (PCCM) that may be reimbursed on a fee-for-service basis. Services may be offered through preferred provider organizations or other providers not currently under contract with DMAS.

12 VAC 30-140-30. Outreach and public participation.

A. *Public participation.* DMAS will work cooperatively with other state agencies and contractors to ensure that the intent and purpose of the federal law and any applicable federal regulations are met. The DMAS Director will have the authority to form and convene a committee of interested citizens for purposes of advising the agency about VCMSIP.

B. *Outstationing of eligibility workers.* The DMAS Director will have the authority to contract with either local departments of social services or other entities for the purpose of locating workers, who can determine eligibility for VCMSIP, in agencies or offices not directly affiliated with social services.

PART II. ADMINISTRATIVE REVIEW.

12 VAC 30-140-40. Administrative review of adverse action.

A. Upon written request, all Virginia Children's Medical Security Insurance Plan applicants and enrollees shall have the right to an administrative review of any adverse action proposed or taken by the Department of Medical Assistance Services with respect to enrollment in or coverage under the Virginia Children's Medical Security Insurance Plan.

B. At all times during the administrative review process, Virginia Children's Medical Security Insurance Plan applicants and enrollees shall have the right to representation by an attorney of their choosing.

C. At all times during the administrative review process, Virginia Children's Medical Security Insurance Plan applicants and enrollees, who are under the age of 18 years or who are age 18 but legally incompetent, shall have a designated agent act on their behalf.

D. At no time shall the Department of Medical Assistance Services be required to obtain or compensate attorneys representing or agents acting on behalf of applicants and enrollees.

E. The burden of proof shall be upon the applicant or enrollee to show that an adverse action proposed or taken by the agency is incorrect.

12 VAC 30-140-50. Notice of adverse action.

A. DMAS shall send written notification to applicants and enrollees whenever adverse action is proposed or taken.

B. When an application for enrollment and coverage is denied, DMAS shall mail a notice of adverse action within 10 calendar days of the decision.

C. When DMAS proposes to take an adverse action relating to termination, suspension or reduction of coverage; denial of payment for a particular medical service, in whole or in part; or denial of a required preauthorization, the notice of adverse action shall be mailed at least 10 calendar days before the action is taken.

12 VAC 30-140-60. Request for administrative review.

A. Requests for administrative review of adverse actions proposed or taken by DMAS shall be sent or delivered in writing to DMAS' Appeals Division at the following address:

Appeals Division
Department of Medical Assistance Services
600 East Broad Street
Suite 1300
Richmond, Virginia 23219

B. Any written communication clearly expressing a desire to have an adverse action reconsidered shall be treated as a request for administrative review.

C. To be effective, requests for administrative review shall be received by DMAS or postmarked no later than 30 calendar days from the date of DMAS' notice of adverse action. Requests may be delivered by way of facsimile transmission during normal business hours. Facsimile requests received after 5 p.m. shall be treated as having been received the following business day.

D. Requests for administrative review alleging that DMAS has not acted promptly are not subject to the 30-day receipt/postmark requirement.

12 VAC 30-140-70. Administrative review procedures.

A. Administrative reviews shall be conducted pursuant to written procedures developed by DMAS.

B. At no time shall DMAS' failure to meet the time frames set in this chapter or the VCMSIP administrative review procedures constitute a basis for granting the applicant or enrollee the relief sought.

C. During the course of administrative reviews, applicants and enrollees shall have the following:

1. The right to be represented by an attorney as described in 12 VAC 30-140-40;
2. The right, when applicable, to have an agent act on behalf of the applicant or enrollee for purposes of requesting and obtaining administrative review of an adverse action;
3. The right to have duly designated family members, friends and others serve as the agent. A parent may both execute the required written designation and act as the agent. In the absence of a parent, the agent may be designated by other individuals including legal guardians,

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individuals duly authorized by way of power of attorney, custodial family members, other parties with whom the applicant or enrollee resides on a permanent basis, or such other individuals deemed appropriate by DMAS. In the absence of a parent, the agent may be one of the individuals described in this subdivision;

4. The right to have personal and medical information and records maintained as confidential. Personal and medical information and records obtained during the course of an administrative review shall be released only to the applicant or enrollee, the applicant's or enrollee's agent or such other individual who is duly authorized in writing to receive the information or records; and

5. The right to a written final decision.

D. The administrative review procedures and any modifications thereto shall be reviewed and approved in writing by the director.

E. Copies of the procedures shall be promptly mailed by DMAS to applicants and enrollees upon receipt of timely requests for administrative review.

F. The procedures in effect on the date a particular request for administrative review is received by DMAS shall apply throughout the proceeding.

12 VAC 30-140-80 and 12 VAC 30-140-90. Reserved.

PART III.

ELIGIBILITY DETERMINATION AND APPLICATION REQUIREMENTS.

12 VAC 30-140-100. Eligibility requirements.

A. This section shall be used to determine eligibility of targeted low-income children for the VCMSIP.

B. The VCMSIP shall be in effect statewide.

C. Eligible children must be under age 19.

D. Income.

1. Standards. Income standards for the VCMSIP are divided into two components. Children in families with incomes up to and equal to 150% of the federal poverty income level (FPL) will be in Component One. Children in families with incomes between 150% and up to and equal to 185% FPL will be in Component Two.

2. Methodology. The VCMSIP shall use the same income methodologies applied under the Virginia State Plan for Medical Assistance for children as set forth in Attachment 2.6-A.C.1.e (12 VAC 30-40-90). Income that would be excluded when determining Medicaid eligibility will be excluded when using such methodologies when determining countable income for the VCMSIP.

3. Spenddown. Deduction of incurred medical expenses from countable income (spenddown) does not apply in the VCMSIP. If the family income exceeds the income limits described in this section, the individual shall

be ineligible for the VCMSIP regardless of the amount of any incurred medical expenses. DMAS shall offer the applicant the opportunity to be evaluated under the State Plan for Medical Assistance as medically needy.

E. Residency. The requirements for residency rules as set forth in 42 CFR 435.403 will be used when determining whether a child is a resident of Virginia for purposes of eligibility for the VCMSIP.

F. Coverage under other health coverage.

1. Any child covered under a group health plan or under health insurance coverage, as defined in § 2791 of the Public Health Service Act (42 USC § 300gg-91(a) and (b)(1)), shall not be eligible for VCMSIP.

2. No substitution for private insurance.

a. Only uninsured children shall be eligible for VCMSIP. Each application for VCMSIP shall include a declaratory statement that the child for whom the application is being filed is not covered under any group health plan. Each application and redetermination of eligibility shall document inquiry about health insurance within the past 12 months. If the child has been covered under a health insurance plan within 12 months of application for or receipt of VCMSIP services, the child will be ineligible, unless the parent, guardian or legal custodian demonstrates good cause for discontinuing the coverage.

b. Benefits paid as medical assistance are not health insurance. Health insurance does not include insurance for which DMAS paid premiums under the Health Insurance Premium Payment (HIPP) Program.

c. Good cause. A child shall not be ineligible for VCMSIP if health insurance was discontinued within the 12-month period prior to the month of application for good cause. The director shall make a determination of good cause based upon DMAS written policy.

3. Health Insurance Premium Payment (HIPP) Program does not apply to VCMSIP. DMAS will not enroll children who are in VCMSIP in the HIPP Program.

12 VAC 30-140-90. Duration of eligibility.

A. The effective date of VCMSIP coverage shall be no earlier than the first day of the month in which application was received by the local department of social services if the applicant met all eligibility factors in that month. In no case shall the child's eligibility be effective earlier than the date of the child's birth and no earlier than July 1, 1998, or the start of the program, whichever is later.

B. Eligibility for the VCMSIP will continue for 12 months so long as the child meets all eligibility requirements. The parent or legal guardian of the recipient must report all changes affecting eligibility when they occur. A change in eligibility will be effective the first of the month following the month the

child is determined to be ineligible. Eligibility will be redetermined no less often than annually.

Exception: If the child becomes an inpatient in an institution for mental disease or an inmate of a public institution, ineligibility will be effective the date that the child is admitted to the institution.

12 VAC 30-140-110. Children ineligible for VCMSIP.

A. If a child is:

1. A member of a family eligible for coverage under any Virginia State Employee Health Insurance Plan, including members of any family eligible for coverage under the Virginia State Employee Health Insurance Plan through the Local Choice Program, he is ineligible for VCMSIP. Children of an absent parent shall be ineligible for VCMSIP if the absent parent is eligible for coverage under the State Employee Health Insurance Plan or the Local Choice Program;
2. An inmate of public institutions as defined in 42 CFR 435.1009 is ineligible for VCMSIP; or
3. An inpatient in an institution for mental disease as defined in 42 CFR 435.1009 is ineligible for VCMSIP.

B. Unless a child's parent or guardian meets the requirements on (i) assignment of rights to benefits, (ii) cooperation with the agency in obtaining medical support or payments, and (iii) cooperation with DMAS in identifying and providing information to assist the state in pursuing any liable third party as described in 42 CFR 433.145 and 433.147, he is ineligible for VCMSIP. If the parent, guardian or legal custodian fails to make assignment as required in this subsection, the child for whom he is applying shall be ineligible for the VCMSIP. A parent, guardian or legal custodian shall apply to the Division of Child Support Enforcement in each case involving an absent parent. If the parent, guardian or legal custodian fails to make assignment or fails to apply for Division of Child Support Enforcement services as required in this subsection, the child for whom he is applying shall be ineligible for the VCMSIP.

C. If sufficient evidence exists to prove that the parent, guardian, or legal custodian obtained benefits for a child or children who would otherwise be ineligible by willfully misrepresenting material facts on the application or failing to report changes, the child or children for whom the application is made shall be ineligible for VCMSIP. An administrative hearing shall be held to present the facts and, upon a finding of intentional misrepresentation, the child or children shall be excluded from participation for 12 months from the date of the finding. The parent, guardian, or legal custodian who signed the application shall be liable for repayment of the cost of all benefits issued as the result of the misrepresentation.

Disposition of cases shall occur through an administrative disqualification hearing or a court of appropriate jurisdiction.

12 VAC 30-140-120. Nondiscriminatory provisions.

VCMSIP shall be conducted in compliance with all civil rights requirements. VCMSIP shall not:

1. Discriminate on the basis of diagnosis;
2. Cover children of higher income without first covering children with a lower family income within a defined group of covered targeted low-income children; and
3. Deny eligibility based on a child having a preexisting medical condition.

12 VAC 30-140-130. No entitlement.

In accordance with § 2102(b)(4) of the Social Security Act and § 32.1-353 of the Code of Virginia, the VCMSIP shall not create any individual entitlement for, right to, or interest in payment of medical services on the part of any medically indigent child or any right or entitlement to participation.

12 VAC 30-140-140. Application requirements.

A. Availability of program information. DMAS or its designee shall furnish the following information in written form and orally as appropriate to all applicants and to other individuals who request it:

1. The eligibility requirements;
2. Summary of covered benefits; and
3. The rights and responsibilities of applicants and recipients.

B. Opportunity to apply. DMAS or its designee must afford an individual wishing to do so the opportunity to apply for VCMSIP.

C. Written application. DMAS or its designee requires a written application from the applicant if 18 years of age, or from a parent, guardian or legal custodian if less than 18 years of age, incompetent or incapacitated. The application must be on the form prescribed by DMAS and must be signed under a penalty of perjury.

D. Assistance with application. DMAS or its designee shall allow an individual, or individuals, of the applicant's choice to accompany, assist, and represent the applicant in the application process or a redetermination of eligibility.

E. Timely determination of eligibility. DMAS or its designee must establish reasonable time standards for determining eligibility and inform the applicant of what the time standards are. These standards shall not exceed 45 days except in unusual circumstances. For example:

1. When DMAS or its designee cannot reach a decision because the applicant or his representative fails to take a required action, or
2. When there is an administrative or other emergency beyond the agency's control, DMAS or its designee must document, in the applicant's case record, the reasons for delay. DMAS or its designee must not use the time standards as a waiting period before determining

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eligibility or as a reason for denying eligibility because it has not determined eligibility within the time standards.

F. Notice of DMAS' or its designee's decision concerning eligibility. DMAS or its designee must send each applicant a written notice of the agency's decision on his application, and, if eligibility is denied, the reasons for the action; the specific regulation supporting the action; and an explanation of his right to request a hearing.

G. Case documentation. DMAS or its designee must include in each applicant's record facts to support the decision on his application, must dispose of each application by a finding of eligibility or ineligibility, unless (i) there is an entry in the case record that the applicant voluntarily withdrew the application and that the agency sent a notice confirming his decision; (ii) there is supporting entry in the case record that the applicant has died; or (iii) there is a supporting entry in the case record that the applicant cannot be located.

H. Redetermination of eligibility. DMAS or its designee must redetermine the eligibility of recipients with respect to circumstances that may change at least every 12 months. There must be procedures designed to ensure that recipients make timely and accurate reports of any change in circumstances that may affect their eligibility. DMAS or its designee must promptly redetermine eligibility when it receives information about changes in a recipient's circumstances that may affect eligibility. If the agency has information about anticipated changes in a recipient's circumstances, it must redetermine eligibility at the appropriate time based on those changes.

I. Timely and adequate notice. DMAS or its designee must give recipients timely and adequate notice of proposed action to terminate their eligibility under the VCMSIP. The notice must meet the requirements of subpart E of 42 CFR Part 431.

PART IV. CHILDREN'S COST SHARING.

12 VAC 30-140-150. Cost sharing and payment.

Cost sharing, subsequent to approval by the Health Care Financing Administration, will be instituted by DMAS. There shall be no cost-sharing requirements for children with family incomes at or below 150% of the Federal Poverty Income Guidelines (as published annually by the U.S. Department of Health and Human Services in the Federal Register). Eligible children in families with incomes above 150% of the Federal Poverty Income Guidelines shall be required to contribute to the cost of health care coverage through VCMSIP by means of premiums and copayments. DMAS may also apply coinsurance and enrollment fees. These cost-sharing provisions shall be implemented with the following restrictions:

1. The annual aggregate cost sharing for all eligible children in a family shall not exceed 5.0% of the family gross income. Family contributions shall be reported and monitored by DMAS or stop/loss controls will be

implemented in the participating health plans' systems to ensure contributions do not exceed the above stated maximums or that the family is reimbursed for any amounts in excess of this limit.

2. Cost sharing shall not be required for well-baby and well-child care including age appropriate well-child immunizations, specifically:

- a. All healthy newborn inpatient physician visits, including routine screening (inpatient or outpatient) shall be excluded from cost sharing;

- b. Routine physical examinations, laboratory tests, immunizations, and related office visits shall be excluded from cost sharing;

- c. Routine preventive and diagnostic dental services (i.e., oral examinations, prophylaxis and topical fluoride applications, sealants, and x-rays) shall be excluded from cost sharing.

3. DMAS will implement the cost-sharing provisions upon obtaining federal approval.

4. VCMSIP recipients shall be given at least 60 days prior written notice of the imposition of these provisions, which will include a detailed explanation of the cost-sharing features of the plan. Public notice, via guidance documents (Medicaid Memoranda), The Virginia Register of Regulations and newspaper notices, also shall be issued at least 60 days before these provisions become effective.

12 VAC 30-140-160 through 12 VAC 30-140-190. Reserved.

PART V. BENEFITS AND REIMBURSEMENT.

12 VAC 30-140-200. General.

The benefits provided in this part shall be covered to the extent indicated in each section contained in this part for persons eligible for VCMSIP.

12 VAC 30-140-210. Inpatient services (Section 2110(a)(1)).

- A. Inpatient services shall be provided pursuant to § 1905(a) of the Social Security Act (the Act) (42 USC § 1396d) and in accordance with 42 CFR 440.2 and 440.10 when medically necessary consistent with 12 VAC 30-50-100 and 12 VAC 30-50-105.

- B. DMAS shall not reimburse for services rendered in an institution for mental diseases (IMD) as defined in 42 CFR 435.1009 that includes freestanding psychiatric hospitals.

- C. DMAS shall reimburse for induced abortion services only in instances in which the attending physician certifies to DMAS prior to rendering the service, except in emergencies which must be documented in the medical record, that the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition

caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

12 VAC 30-140-220. Outpatient services (Section 2110(a)(2)).

A. Outpatient services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Outpatient hospital services, rural health clinic services and federally qualified health center (FQHC) services shall be provided according to the requirements in 12 VAC 30-50-110 with the following exception. DMAS shall cover induced abortion services only in instances in which the attending physician certifies to DMAS prior to rendering the service, except in emergencies which must be documented in the medical record, that the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

12 VAC 30-140-230. Physician services (Section 2110(a)(3)).

A. Physician services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d) and 42 CFR 440.50. Physicians services shall be provided according to the requirements in 12 VAC 30-50-140 with the exceptions provided in this section.

B. DMAS shall cover induced abortion services only in instances in which the attending physician certifies to DMAS prior to rendering the service, except in emergencies which must be documented in the medical record, that the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

C. Psychiatric physician visits to inpatient hospital patients shall be covered only when the recipient is an inpatient of a psychiatric unit in a general acute care hospital. Physician visits to inpatients in any institution for mental diseases, as defined in 42 CFR 435.1009, shall not be covered.

12 VAC 30-140-240. Surgical services (Section 2110(a)(4)).

Surgical services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d). Surgical services shall be covered according to the requirements in 12 VAC 30-50-140 with the following exception. DMAS shall reimburse induced abortion services only in instances in which the attending physician certifies to DMAS prior to rendering the service, except in emergencies which must be documented in the medical record, that the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

12 VAC 30-140-250. Clinic services (including health center services) and other ambulatory health care services (Section 2110(a)(5)).

Clinic services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d) and 42 CFR 440.90. Clinic services shall be covered in accordance with 12 VAC 30-50-180 with the following exception. DMAS shall reimburse for induced abortions only in instances in which the attending physician certified prior to rendering the service, except in emergencies which must be documented in the medical record, that the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

12 VAC 30-140-260. Prescription drugs (Section 2110(a)(6)).

Prescription drug services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d), 42 CFR 440.120, and 12 VAC 30-50-210.

12 VAC 30-140-270. Over-the-counter medications (Section 2110(a)(7)).

Over-the-counter medications services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d), 42 CFR 440.120, and 12 VAC 30-50-210.

12 VAC 30-140-280. Laboratory and radiological services (Section 2110(a)(8)).

Laboratory and radiological services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d), 42 CFR 440.30, and 12 VAC 30-50-120.

12 VAC 30-140-290. Prenatal care and prepregnancy family services and supplies (Section 2110(a)(9)).

A. Prenatal care and prepregnancy family services and supplies services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Family planning services and supplies for individuals of child-bearing age must be ordered or prescribed and directed or performed within the scope of the license of a practitioner of the healing arts. Family planning services shall be covered in accordance with the requirements in 42 CFR 440.40 and 12 VAC 30-50-130. Family planning services shall be defined as those services or supplies, which delay or prevent pregnancy. Such services or supplies shall not include services to treat infertility or services to promote fertility.

C. Pregnancy-related and postpartum services, referred to as enhanced prenatal care services, shall be covered for any medical condition that may complicate pregnancy if otherwise covered under the Title XXI state plan. Enhanced prenatal care services, including nutrition, patient education, homemaker services, blood glucose meters (including test strips), shall be covered in accordance with the requirements in 12 VAC 30-50-510. For pregnant and postpartum women

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see 12 VAC 30-140-370 and 12 VAC 30-140-380 for substance abuse treatment services.

12 VAC 30-140-300. Inpatient mental health services, other than services described in 12 VAC 30-140-370 (Section 2110(a)(10)).

Inpatient mental health services, other than services described in 12 VAC 30-140-170, shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d). Inpatient mental health services shall be offered only in general acute care hospitals. Services offered in IMDs shall be prohibited under Title XXI because inpatients in institutions for mental diseases (IMDs) as defined in 42 CFR Part 1009 shall not be eligible for the Virginia Children's Medical Security Insurance Plan. Inpatient mental health services shall be covered in general acute care hospitals in accordance with 12 VAC 30-50-100 and 12 VAC 30-50-105.

12 VAC 30-140-310. Outpatient mental health services, other than services described in 12 VAC 30-140-380 but including services furnished to outpatients of a state-operated mental hospital and including community-based services (Section 2110(a)(11)).

A. Outpatient mental health services, as defined, shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Psychiatric services shall be covered in accordance with the requirements in 12 VAC 30-50-150 limited to an initial availability of 26 sessions, with one possible extension of 26 sessions during the first year of treatment. The availability shall be further restricted to no more than 26 sessions each succeeding year when approved by DMAS. Psychiatric services shall further be restricted to no more than three sessions in any given seven-day period. Medically necessary psychiatric services shall be covered when prior authorized by DMAS for children when the need for such services has been identified through an EPSDT screen.

C. Other outpatient mental health services shall be covered in accordance with the requirements in 12 VAC 30-50-130, 12 VAC 30-50-225, and 12 VAC 30-50-226.

12 VAC 30-140-320. Durable medical equipment and other medically related or remedial devices (such as prosthetic devices, implants, eyeglasses, hearing aids, dental devices, and adaptive devices) (Section 2110(a)(12)).

A. Durable medical equipment and other medically related or remedial device, as defined, services shall be provided pursuant to § 1905(a) the Act (42 USC § 1396d) and 42 CFR 440.120.

B. Prosthetic devices shall be covered in accordance with 12 VAC 30-50-140, 12 VAC 30-50-210, and 12 VAC 30-50-220. Prosthetic devices shall be provided when prescribed by a physician or other licensed practitioner of the healing arts within the scope of their professional license. This service, when provided by an authorized vendor, must be medically necessary and preauthorized for the minimum

applicable component necessary for the activities of daily living.

C. Eyeglasses shall be covered in accordance with the requirements of 12 VAC 30-50-210.

D. Hearing aids shall be covered in accordance with the requirements of 12 VAC 30-50-130.

E. Adaptive devices shall be covered in accordance with 12 VAC 30-50-140 and 12 VAC 30-50-220.

12 VAC 30-140-330. Disposable medical supplies (Section 2110(a)(13)).

Disposable medical supplies services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

12 VAC 30-140-340. Home- and community-based health care services (Section 2110(a)(14)).

Home- and community-based health care services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d) and 42 CFR 440.70 (home health services).

12 VAC 30-140-350. Abortion (Section 2110(a)(16)).

Abortion services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d). DMAS shall reimburse for induced abortions only in instances in which the attending physician certifies prior to rendering the service, except in emergencies which must be documented in the medical record, that the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

12 VAC 30-140-360. Dental services (Section 2110(a)(17)).

Dental services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d) and 42 CFR 440.100.

12 VAC 30-140-370. Inpatient substance abuse treatment services and residential substance abuse treatment services (Section 2110(a)(18)).

A. Inpatient substance abuse treatment services and residential substance abuse treatment services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Only one course of treatment in a lifetime of residential treatment for pregnant women shall be covered. The treatment facility shall not be an institution for mental disease.

C. Inpatient substance abuse treatment for pregnant women shall be covered in accordance with the requirements in 12 VAC 30-50-510, 12 VAC 30-130-590.

12 VAC 30-140-380. Outpatient substance abuse treatment services (Section 2110(a)(19)).

A. Outpatient substance abuse treatment services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Group and individual counseling shall be covered with a limitation of up to 26 sessions annually and must be preauthorized before delivery of services. If medically necessary, additional sessions may be preauthorized. Substance abuse services providers shall have expertise with children and adolescents and be required to meet the standards and criteria listed in this subsection.

1. A counselor who has completed master's level training in either psychology, social work, counseling or rehabilitation who is also either certified as a substance abuse counselor by the Board of Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals of the Department of Health Professions (DHP) or as a Certified Addictions Counselor by the Substance Abuse Certification Alliance of Virginia;

2. A professional who must be certified by the Virginia Association of Drug and Alcohol Abuse Counselors as demonstrating competencies described in Addiction Counselor Competencies and who is also licensed by the appropriate board of DHP as either a professional counselor, clinical social worker, registered nurse, clinical psychologist, or physician;

3. A substance abuse professional or a certified clinical supervisor, as certified by the Substance Abuse Certification Alliance of Virginia; or

4. A qualified provider who is licensed and approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to provide outpatient substance abuse services. Substance abuse services providers shall be required to meet the standards and criteria established by DMHMRSAS. Professionals as set forth in subdivisions 1, 2, or 3 of this subsection shall provide treatment.

C. Day treatment for pregnant women shall be covered in accordance with the requirements of 12 VAC 30-50-510.

12 VAC 30-140-390. Case management services (Section 2110(a)(20)).

A. Targeted case management as defined in § 1915(g) of the Act will be covered in accordance with DMAS policy.

B. For high-risk pregnant women and infants up to age two, case management shall be covered in accordance with the requirements of 12 VAC 30-50-280, 12 VAC 30-50-410 and § 1915(g)(1) of the Act;

C. For individuals with mental retardation, case management shall be covered in accordance with the requirements of 12 VAC 30-50-440;

D. For children with serious emotional disturbance, case management shall be covered in accordance with the requirements of 12 VAC 30-50-420; and

E. For youth at risk for serious emotional disturbance, case management shall be covered in accordance with the requirements of 12 VAC 30-50-430.

12 VAC 30-140-400. Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders (Section 2110(a)(22)).

A. Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. For individuals meeting home bound criteria under home health services, physical therapy, occupational therapy, or speech pathology and audiology services shall be covered in accordance with the requirements of 12 VAC 30-50-140.

C. Physical therapy, occupational therapy, and speech-language pathology services which are not part of home health services shall be covered in accordance with the requirements in 12 VAC 30-50-200 and 12 VAC 30-50-220.

12 VAC 30-140-410. Hospice care (Section 2110(a)(23)).

Hospice services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

12 VAC 30-140-420. Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic, or rehabilitative services (Section 2110(a)(24)).

A. Any other medical, diagnostic, screening, preventive, restorative, remedial, therapeutic, or rehabilitative services shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Intensive physical rehabilitation shall be provided in accordance with 12 VAC-30-50-225.

C. Community mental health services shall be provided according to the requirements of 12 VAC 30-50-130, 12 VAC 30-50-225 and 12 VAC 30-50-226.

D. Diagnostic examination and optometric treatment procedures and services by optometrists and opticians, as allowed by the Code of Virginia and by regulations of the Board of Medicine and the Board of Optometry, shall be provided in accordance with the requirements in 12 VAC 30-50-150. Routine refractions shall be limited to once in 24 months except as may be authorized by DMAS.

E. Covered podiatry services shall be provided in accordance with the requirements in 12 VAC 30-50-150.

F. Nursing facility services in a Medicaid certified facility (other than in an institution for mental disease) shall be provided in accordance with the requirements in 12 VAC 30-50-130.

G. Nurse-midwife services, defined as those services allowed under the licensure requirements of the state statute and as specified in the Act, shall be provided consistent with 12 VAC 30-50-260.

H. Psychiatric services are covered when provided by a psychologist licensed by the Board of Medicine, by a licensed clinical social worker, licensed professional counselor, or

Proposed Regulations

licensed clinical nurse specialist-psychiatric licensed by the appropriate state board in accordance with the requirements of 12 VAC 30-50-140 and 12 VAC 30-50-150.

12 VAC 30-140-430. Medical transportation (Section 2110(a)(26)).

Medical transportation services shall be provided pursuant to § 1905(a) the Act (42 USC § 1396d). Transportation services are provided to ensure that recipients have necessary access to and from providers of all covered medical services. Transportation to both emergency and nonemergency services shall be covered. Transportation shall be covered in accordance with 12 VAC 30-50-300 and 12 VAC 30-50-530.

12 VAC 30-140-440. Any other health care services or items specified by the secretary and not included under this section (Section 2110(a)(28)).

A. Any other health care services or items specified by the secretary and not included under this section shall be provided pursuant to § 1905(a) of the Act (42 USC § 1396d).

B. Consistent with the Omnibus Budget Reconciliation Act of 1989 § 6403, early and periodic screening, diagnostic, and treatment services means the services and requirements in accordance with 12 VAC 30-50-130 shall be provided, subject to the requirements and limits of Title XXI.

12 VAC 30-140-441 through 12 VAC 30-140-449. Reserved.

12 VAC 30-140-500. Benefits reimbursement.

A. Reimbursement for the services covered under VCMSIP shall be as specified in this section.

B. Reimbursement for physician services, surgical services, clinic services, prescription drugs, over-the-counter medication services, laboratory and radiological services, prenatal care and prepregnancy family services and supplies, outpatient mental health services, durable medical equipment, disposable medical supplies, home- and community-based health care services, abortion services, dental services, case management services, physical therapy/occupational therapy/speech-language therapy services, hospice services, community mental health services, optometric services, podiatric services, certified nurse midwifery services, medical transportation, Early and Periodic Screening, Diagnosis, and Treatment services shall be based on the Title XIX rates in effect as of July 1 of each year for the subsequent state fiscal year.

C. Exceptions.

1. Reimbursement for inpatient hospital services will be based on the Title XIX rates in effect for each hospital as of July 1 each year for the subsequent state fiscal year. Reimbursement shall not include payments for disproportionate share or graduate medical education payments made to hospitals. Payments made shall be final and there shall be no retrospective cost settlements.

2. Reimbursement for outpatient hospital services shall be based on the Title XIX rates in effect for each hospital as of July 1 each year for the subsequent state fiscal year. Payments made will be final and there will be no retrospective cost settlements.

3. Reimbursement for Clinic services including Federally Qualified Health Centers (FQHC) and Rural Health Centers (RHC) will be based on the Title XIX rates in effect as of July 1 each year for the subsequent state fiscal year. Payments made will be final and there will be no retrospective cost settlements for FQHC's and RHC's.

4. Reimbursement for inpatient mental health services will be based on the Title XIX rates in effect for each hospital as of July 1 each year for the subsequent state fiscal year. Reimbursement will not include payments for disproportionate share or graduate medical education payments made to hospitals. Payments made will be final and there will be no retrospective cost settlements.

5. Reimbursement for outpatient rehabilitation services will be based on the Title XIX rates in effect for each Rehabilitation Agency as of July 1 each year for the subsequent state fiscal year. Payments made will be final and there will be no retrospective cost settlements.

6. Reimbursement for outpatient substance abuse services will be based on rates determined for children ages 6 through 18. Payments made will be final and there will be no retrospective cost settlements.

12 VAC 30-140-510 through 12 VAC 30-140-550. Reserved.

PART VI.

QUALITY ASSURANCE AND UTILIZATION CONTROL.

12 VAC 30-140-560. Quality assurance.

Quality of and access to care in managed care and fee-for-service delivery systems shall be assessed using measures developed by the director. The director shall coordinate, in his discretion, with state agencies, providers, and other interested parties on quality care and access issues.

12 VAC 30-140-570. Utilization control.

A. Utilization control systems are administrative mechanisms that are designed to ensure that children use only that health care that is appropriate, medically necessary, and approved by DMAS. DMAS shall use the utilization controls already established and operational in the State Plan for Medical Assistance. Administrative mechanisms to be employed may include those provided in following subsections of this section:

B. Prepayment reviews.

1. Use of covered service limitations in the State Plan for Medical Assistance such as medical necessity, noncoverage of cosmetic or experimental procedures/drugs/services.

2. *Prior authorization for some services, according to DMAS policy.*

3. *Managed Care Organizations (MCOs) shall be required to have referral systems, prior authorization requirements, clinical practice guidelines, and an internal quality assurance program. Each MCO shall be required to obtain state licensure, as well as obtain a nationally recognized accreditation as part of the contracting process. MCOs shall be required to meet network access requirements including PCP ratios, time and distance standards, appointment times guidelines, toll-free telephone numbers and after hours access as determined by contract with DMAS.*

4. *Fee-for-service utilization controls shall include:*

a. *Preauthorization functions performed by a state contractor using criteria specified by DMAS.*

b. *Internal utilization review committees in hospitals that review admission and length-of-stay issues.*

c. *Service limits shall be the same, as those in the State Plan for Medical Assistance with prior permission required to extend particular services if determined to be medically necessary.*

d. *Special service preauthorization shall be the same as in the State Plan for Medical Assistance for items such as organ transplants, out-of-state rehabilitation, and ventilator contracts.*

C. *Post-payment review. DMAS shall collect and review comprehensive encounter data and fee-for-service claims data to monitor utilization after service receipt. Findings will determine the appropriate disposition of the review, including but not limited to, enrollment in a utilization control program or referral to other investigative agencies.*

<p>NOTICE: The form used in administering 12 VAC 30-140-10 et seq., Virginia Children's Medical Security Insurance Plan, is listed below and published following the listing.</p>
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Application/Redetermination for Medicaid Medically Indigent Families and Children (Title XIX) and Children's Medical Security Insurance Plan (Title XXI) Programs, 032-03-040/3 (9/98).

Proposed Regulations

COMMONWEALTH OF VIRGINIA DEPARTMENT OF SOCIAL SERVICES APPLICATION/REDETERMINATION FOR MEDICAID MEDICALLY INDIGENT FAMILIES AND CHILDREN (TITLE XIX) AND CHILDREN'S MEDICAL SECURITY INSURANCE PLAN (TITLE XXI) PROGRAMS	AGENCY USE ONLY	
	DATE RECEIVED	
	CASE NAME/NUMBER	
	LOCALITY	WORKER

Please complete all sections of the application. If you need assistance, please contact an eligibility worker at your local DSS.-

I. IDENTIFYING INFORMATION

PARENT/CARETAKER'S LAST NAME	FIRST	MI	HOME PHONE #	
ADDRESS	CITY	STATE	ZIP	DAYTIME PHONE #
MAILING ADDRESS (If different)	CITY	STATE	ZIP	

II. **HOUSEHOLD INFORMATION:** List parent/caretaker as person 1. List everyone living in the home even if assistance is not being requested for that person. If there are more than four people in the household, please complete a second form.

	PERSON 1	PERSON 2	PERSON 3	PERSON 4
Full Name				
Relationship to Person 1				
Is this person applying for assistance? (Y/N)				
Sex/Race/Marital Status				
Date of Birth				
Place of Birth				
Social Security #				
US Citizen? (Y/N)? If no, alien #.				
Child's Parent Absent? (Y/N) If yes, name, employer and reason for absence.				
Last Grade Completed				
Pregnant? (Y/N)				
Health Insurance? (Y/N) If yes, company name and policy number.				
Has health insurance been dropped in past 12 months? (Y/N) If yes, date terminated and why.				

III. Does the employer of anyone listed above offer health insurance for family members? ☐ Yes ☐ No If yes, please complete the following:

Company: _____ Type of Coverage: _____

IV. List all income received by the household. Include earnings, farm income, social security benefits, support, unemployment benefits, pensions, sick pay, student loans, property or room rental.

	PERSON 1	PERSON 2	PERSON 3	PERSON 4
Name of Employer or Source of Income				
Is employer a state/local agency? (Y/N)				
How often is the income received?				
Amount before deductions?				
If child has a stepparent in the home, does stepparent claim child as a dependent for federal tax purposes? (Y/N)				
Are you paying adult or child care while you work? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, for whom:			How much?	How often?

V. Has anyone for whom you are applying been in the hospital or emergency room, been to a doctor's office or clinic, received a prescription drug or received a medical service in the three months before this month? ☐ Yes ☐ No If yes, list months. _____

VI. Have there been any changes in your living arrangements, marital status, or income in the last three months? ☐ Yes ☐ No If yes, describe the changes: _____

032-03-040/3 (9/98)

RIGHTS AND RESPONSIBILITIES

I agree to let the Department of Social Services know the same day or the next working day of any changes that occur in my situation. I understand that to receive benefits from the Medicaid or Title XXI Program I must agree to assign my rights and the rights of anyone for whom I am applying to medical support and other third-party payments to the Department of Medical Assistance Services. I understand that all money I receive for (1) diagnosis or treatment of any injury, disease, or disability or (2) medical care support must be sent to the Department of Medical Assistance Services, third party liability section. I understand that my refusal to assign the rights of other individuals for whom I am applying will not affect their eligibility for Medicaid. I understand that my refusal to assign the rights of a child for whom I am requesting Title XXI will affect the child's eligibility for the Title XXI Program. I refuse to assign the rights of _____

Title XXI requires a period of ineligibility if health insurance was terminated within 12 months of the application date. I understand that the period of ineligibility can be waived for good cause. I want to claim good cause and understand I must provide written documentation of the reason for discontinuance of the insurance. ☐ YES ☐ NO

I understand that I have the right to file a complaint if I feel I have been discriminated against because of race, color, national origin, sex, age, handicap, or religious belief. I understand that I have the right to appeal and have a fair hearing if I am: (1) not notified in writing of the decision regarding my application within 45 days; (2) denied benefits from the Medicaid or Title XXI Program; or (3) dissatisfied with any other decision that affects my receipt of the Medicaid or Title XXI Program. EXCEPTION: The Children's Medical Security Insurance Plan (Title XXI) is not an entitlement program. Therefore, denial of assistance for a child or ineligibility for additional benefits of a child who has been found eligible when funding is not sufficient is not appealable.

I understand that refusal to cooperate with a review of my Medicaid or Title XXI Program eligibility by quality control will make me ineligible for the Medicaid or Title XXI Program until I cooperate with the review.

I authorize the Department of Social Services and the Department of Medical Assistance Services to obtain any verifications necessary to establish my eligibility for assistance. I authorize release to the Department of Medical Assistance Services any information in any medical records pertaining to any services received by me or the individuals for whom I am applying for Medicaid or Title XXI.

I received the booklets: Medicaid Handbook and Children's Medical Security Insurance Plan Handbook ☐ YES ☐ NO
Temporary Assistance Programs ☐ YES ☐ NO

I filled in this form myself. ☐ YES ☐ NO If no, it was read back to me when completed. ☐ YES ☐ NO

I declare that all information I have given on this application is true and correct to the best of my knowledge and belief. I understand that if I give false information, withhold information, or fail to report a change promptly or on purpose, I may be breaking the law and could be prosecuted for perjury, larceny, and/or welfare fraud. I understand that my signature on this application certifies, under penalty of perjury, that the people for whom I am applying (unless applying for emergency services only) are U.S. Citizens or aliens in lawful immigration status.

Signature or Mark: _____ Date: _____

Witness/Authorized Representative: _____ Date: _____

I completed this application/declaration for _____. I understand that if I aided or abetted him or her to obtain assistance for which he or she is not eligible that I may be breaking the law and could be prosecuted.

Signature: _____

Address: _____

Relationship: _____ Date: _____ Telephone #: _____

VOTER REGISTRATION

Check one of the following:

- ☐ I am not registered to vote where I currently live now, and I would like to register to vote here today. I certify that a voter registration form was given to me to complete. (If you would like help in filling out the voter registration, we will help you. The decision to help you is yours. You also have the right to complete your form in private.)
- ☐ I am registered to vote at my current address. (If already registered at your current address, you are not eligible to register to vote.)
- ☐ I do not want to apply to register to vote.
- ☐ I do want to apply to register to vote, please send me a voter registration form.

Applying to register or declining to register to vote will not affect the assistance or services that you will be provided by this agency. A decision not to apply to register to vote will remain confidential. A decision to apply to register to vote and the office where your application was submitted will also remain confidential and may only be used for voter registration purposes. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register to vote, or your right in applying to register to vote, you may file a complaint with: Secretary of Virginia State Board of Elections, Ninth Street Office Building, 200 North Ninth Street, Richmond, VA 23219-3497. The phone number is (804) 786-6551.

Proposed Regulations

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

Division of Securities and Retail Franchising

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: Securities Act Regulations (SEC 990020).

21 VAC 5-10-10 et seq. General Administration--Securities Act (amending 21 VAC 5-10-40).

21 VAC 5-20-10 et seq. Broker Dealers, Broker-Dealer Agents and Agents of the Issuer: Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports (amending 21 VAC 5-20-70, 21 VAC 5-20-90, 21 VAC 5-20-150, 21 VAC 5-20-160, 21 VAC 5-20-220, and 21 VAC 5-20-280; adding 21 VAC 5-20-285 and 21 VAC 5-20-330).

21 VAC 5-30-10 et seq. Securities Registration (amending 21 VAC 5-30-40; adding 21 VAC 5-30-90).

21 VAC 5-40-10 et seq. Exempt Securities (amending 21 VAC 5-40-50 and 21 VAC 5-40-100; adding 21 VAC 5-40-130, 21 VAC 5-40-140, and 21 VAC 5-40-150).

21 VAC 5-80-10 et seq. Investment Advisors (amending 21 VAC 5-80-30, 21 VAC 5-80-60, 21 VAC 5-80-70, 21 VAC 5-80-90, 21 VAC 5-80-100, 21 VAC 5-80-110, 21 VAC 5-80-130, 21 VAC 5-80-160, 21 VAC 5-80-200, 21 VAC 5-80-210, and 21 VAC 5-80-220).

21 VAC 5-85-10. Forms--Securities Act.

21 VAC 5-100-10 et seq. Disclosure of Information or Documents by Commission (amending 21 VAC 5-100-10).

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Summary:

The Virginia State Corporation Commission is considering amendments to its Securities Act regulations and forms. The purposes of the proposed amendments are to implement recent legislation, implement recommendations of the 1998 Securities Act Study, to adopt versions of certain rules proposed by the North American Securities Administrators Association, and to make minor and technical changes to the regulations and forms.

Areas of proposed change include broker-dealer and investment advisor Y2K disclosure, continuing education

requirements for agents, touting of securities, prohibited practices and required disclosures connected with sales of penny stocks, conduct of securities business on financial institution premises, marginability of foreign securities, conversion to an internal system for investment advisor representative filings, and investment advisor recordkeeping, unethical practices, dealings with institutional clients, performance-based fees, disclosure of information, general agent and investment advisor representative examination requirements, agent examination requirement for certain small offerings, amount which may be raised in a limited transaction exemption offering, calculation of the number of purchasers in an exempt offering, accredited investors, and eligible participants in employee benefit plans.

Agency Contact: Copies of the proposed amendments are available from the commission's Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, VA 23218-1197, (804) 371-9187, FAX (804) 371-9911 and can be downloaded from the commission's website at <http://www.state.va.us/division/srf>.

Comments and requests for a hearing must be sent in writing to State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, VA 23218-2118, FAX (804) 371-9654, should contain a conspicuous reference to Case No. SEC990020, and must be received by June 1, 1999. Interested persons who file comments and request a hearing, or who ask to be informed of any hearing, will be notified of the date, time and place of the hearing.

21 VAC 5-10-40. Definitions.

As used in the Securities Act, the following regulations and forms pertaining to securities, instructions and orders of the commission, the following meanings shall apply:

"Act" means the Securities Act contained in Chapter 5 (§ 13.1-501 et seq.) of Title 13.1 of the Code of Virginia.

"Applicant" means a person on whose behalf an application for registration or a registration statement is filed.

"Application" means all information required by the forms prescribed by the commission as well as any additional information required by the commission and any required fees.

"Bank Holding Company Act of 1956" (12 USC § 1841 et seq.) means the federal statute of that name as now or hereafter amended.

"Boiler room" means an enterprise in which two or more persons engage in communications with members of the public using telephones at one or more locations in a common scheme or enterprise to peddle securities of dubious or risky value.

"Commission" means State Corporation Commission.

"Federal covered advisor" means any person who is registered or required to be registered under § 203 of the Investment Advisers Act of 1940 as an "investment adviser."

"*Investment Advisers Act of 1940*" (15 USC § 80b-1 et seq.) means the federal statute of that name as now or hereafter amended.

Notwithstanding the definition in § 13.1-501 of the Act, "investment advisor representative" as applied to a federal covered advisor only includes an individual who has a "place of business" (as that term is defined in rules or regulations promulgated by the SEC) in this Commonwealth and who either:

1. Is an "investment advisor representative" as that term is defined in rules or regulations promulgated by the SEC; or
2. a. Is not a "supervised person" as that term is defined in the Investment Advisers Act of 1940, and

b. Solicits, offers or negotiates for the sale of or sells investment advisory services on behalf of a federal covered advisor.

"*Investment Company Act of 1940*" (15 USC § 80a-1 et seq.) means the federal statute of that name as now or hereafter amended.

"NASAA" means the North American Securities Administrators Association, Inc.

"NASD" means the National Association of Securities Dealers, Inc.

"*Notice*" or "*notice filing*" means, with respect to a federal covered advisor or federal covered security, all information required by the regulations and forms prescribed by the commission and any required fee.

"*Registrant*" means an applicant for whom a registration or registration statement has been granted or declared effective by the commission.

"SEC" means the United States Securities and Exchange Commission.

"*Securities Act of 1933*" (15 USC § 77a et seq.) means the federal statute of that name as now or hereafter amended.

"*Securities Exchange Act of 1934*" (15 USC § 78a et seq.) means the federal statute of that name as now or hereafter amended.

21 VAC 5-20-70. Examinations/qualifications.

A. Broker-dealers registered pursuant to § 15 of the Securities Exchange Act of 1934 (15 USC § 78o).

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of ~~a minimum passing grade of 70% on:~~ (i) the Uniform Securities Agent State Law Examination~~—, Series 63 (USASLE Series 63);~~; (ii) the Uniform Combined State Law Examination~~—, Series 66; and the General Securities Representative Examination, Series 7;~~ or ~~or~~ (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of

the Division of Securities and Retail Franchising designates.

2. In lieu of meeting the examination requirement described in subdivision 1 of this subsection A, at least two principals of an applicant may provide evidence of having passed the General Securities Principal Qualification Exam (Series 24) or ~~or~~ a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.

For the purposes of this subsection A, the term "principal" means any person associated with a broker-dealer who is engaged directly (i) in the management, direction or supervision on a regular or continuous basis on behalf of such broker-dealer of the following activities: sales, training, research, investment advice, underwriting, private placements, advertising, public relations, trading, maintenance of books or records, financial operations; or (ii) in the training of persons associated with such broker-dealer for the management, direction, or supervision on a regular or continuous basis of any such activities.

3. Subsection A of this section is applicable only to principals of broker-dealers that are, or intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

B. Broker-dealers not registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

1. All principals of an applicant for registration as a broker-dealer must provide the commission with evidence of ~~a minimum passing grade of 70% on:~~

a. The Uniform Securities Agent State Law Examination~~—, Series 63 (USASLE Series 63);~~; the Uniform Combined State Law Examination~~—, Series 66; and the General Securities Representative Examination, Series 7;~~ or ~~or~~ a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates~~; and~~

b. Any additional securities-related examination(s) that the commission deems appropriate in light of the business in which the applicant proposes to engage.

2. Subsection B of this section is applicable only to principals of broker-dealers that are not, or do not intend to forthwith become, registered pursuant to § 15 of the federal Securities Exchange Act of 1934.

21 VAC 5-20-90. Application for registration as a broker-dealer agent.

A. Application for registration as a NASD member broker-dealer agent shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the

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regulations prescribed by the commission. The application shall include all information required by such forms.

An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4 (see 21 VAC 5-85-10).
2. The statutory fee in the amount of \$30. The check must be made payable to the NASD.
3. Provide evidence in the form of a NASD exam report of ~~obtaining a minimum passing grade of 70% on:~~ (i) the Uniform Securities Agent State Law Exam Examination, "USASLE," Series 63 exam; (ii) the Uniform Combined State Law Exam Examination, Series 66 exam, and the General Securities Representative Examination, Series 7; or ~~on~~ (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.
4. Any other information the commission may require.

B. Application for registration for all other broker-dealer agents shall be filed on and in compliance with all requirements and forms prescribed by the commission.

An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4 (see 21 VAC 5-85-10).
2. The statutory fee in the amount of \$30. The check must be made payable to the Treasurer of Virginia.
3. Provide evidence in the form of a NASD exam report of ~~obtaining a minimum passing grade of 70% on:~~ (i) the Uniform Securities Agent State Law Exam Examination, "USASLE," Series 63 exam; (ii) the Uniform Combined State Law Exam Examination, Series 66 exam, and the General Securities Representative Examination, Series 7; or ~~on~~ (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.
4. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21 VAC 5-20-150. Examination/qualification.

An individual applying for registration as a broker-dealer agent shall be required to show evidence of passing: (i) the Uniform Securities Agent State Law Examination (USASLE, Series 63); (ii) the Uniform Combined State Law Examination, Series 66 exam, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates ~~with a minimum grade of 70%.~~

21 VAC 5-20-160. Application for registration as an agent of the issuer.

A. Application for registration as an agent of the issuer shall be filed on and in compliance with all requirements and forms prescribed by the commission.

B. An application shall be deemed incomplete for purposes of applying for registration as an agent of the issuer unless the following executed forms, fee and information are submitted:

1. Form U-4.
2. The statutory fee in the amount of \$30. The check must be made payable to the Treasurer of Virginia.
3. Completed Agreement for Inspection of Records Form.
4. Provide evidence in the form of a NASD exam report of ~~obtaining a minimum passing grade of 70% on:~~ (i) the Uniform Securities Agent State Law Exam Examination, "USASLE," Series 63 exam; (ii) the Uniform Combined State Law Exam Examination, Series 66 exam, and the General Securities Representative Examination, Series 7; or ~~on~~ (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates.
5. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21 VAC 5-20-220. Examination/qualification; waiver of examination requirement.

A. *Except as described in subsection B of this section,* an individual applying for registration as an agent of the issuer shall be required to provide evidence in the form of a NASD exam report of passing: (i) the Uniform Securities Agent State Law Examination (USASLE, Series 63); (ii) the

Uniform Combined State Law Examination, Series 66 exam, and the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates with a minimum grade of 70%.

B. The commission may waive the examination requirement for an officer or director of an issuer that is a corporation, or a general partner of an issuer that is a limited partnership or a manager of an issuer that is a limited liability company who:

- 1. Will receive no commission or similar remuneration directly or indirectly in connection with the offer or sale of the issuer's securities; and*
- 2. Agrees to deliver to each prospective purchaser of a security to be issued by such issuer, at or before the time the offering document is required to be delivered, a copy of "A Consumer's Guide to Small Business Investments" prepared by NASAA (see CCH NASAA Reports ¶3676).*

21 VAC 5-20-280. Prohibited business conduct.

A. No broker-dealer shall:

1. Engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;
2. Induce trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
3. Recommend to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;
4. Execute a transaction on behalf of a customer without authority to do so or, when securities are held in a customer's account, fail to execute a sell transaction involving those securities as instructed by a customer, without reasonable cause;
5. Exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;
6. Execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

7. Fail to segregate customers' free securities or securities held in safekeeping;

8. Hypothecate a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the SEC;

9. Enter into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;

10. Fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;

11. Introduce customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under § 13.1-514 B 6 of the Act;

12. a. Charge unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of moneys due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

b. Charge a fee based on the activity, value or contents (or lack thereof) of a customer account unless written disclosure pertaining to the fee, which shall include information about the amount of the fee, how imposition of the fee can be avoided and any consequence of late payment or nonpayment of the fee, was provided no later than the date the account was established or, with respect to an existing account, at least 60 days prior to the effective date of the fee.

13. Offer to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;

14. Represent that a security is being offered to a customer "at a market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;

15. Effect any transaction in, or induce the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

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- a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;
- b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;
- c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

16. Guarantee a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

17. Publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

18. Use any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

19. Fail to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the commission, a balance sheet of the issuer as of a date within 18 months of the offer and/or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and

any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subsection shall comply with the provisions of § 13.1-507 of the Act;

20. Fail to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of such security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

21. Fail to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member;
~~or~~

22. Fail or refuse to furnish a customer, upon reasonable request, information to which such customer is entitled, or to respond to a formal written request or complaint; *or*

23. Fail to disclose in a timely manner (so that clients and prospective clients may take steps to protect their interests), broker-dealer services and relationships, or proposed broker-dealer services and relationships, which may be affected by year 2000 computer or equipment problems, if the broker-dealer has not substantially addressed these problems, or is uncertain of its ability to resolve these problems.

B. No agent shall:

1. Engage in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

2. Effect any securities transaction not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;

3. Establish or maintain an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;

4. Share directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

5. Divide or otherwise split the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

6. Engage in conduct specified in subdivisions A 2, 3, 4, 5, 6, 10, 15, 16, 17, or 18 of this section.

C. Failure to comply with any of the applicable continuing education requirements set forth in any of the following shall be deemed a demonstration of a lack of business knowledge by a broker-dealer or agent insofar as such business knowledge is required for registration by § 13.1-505 A 3 of the Act and is hereby required for renewal of registration.

- 1. Schedule C to the National Association of Securities Dealers By-Laws, Part XII of the National Association of Securities Dealers, as such provisions existed on July 1, 1995;*
- 2. Rule 345 A of the New York Stock Exchange, as such provisions existed on July 1, 1995;*
- 3. Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on July 1, 1995;*
- 4. Rule 341 A of the American Stock Exchange, as such provisions existed on July 1, 1995;*
- 5. Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on July 1, 1995;*
- 6. Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 1995;*
- 7. Rule 9.27(C) of the Pacific Stock Exchange, as such provisions existed on July 1, 1995; or*
- 8. Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on July 1, 1995.*

Each or all of the education requirements standards listed above may be changed and compliance with such requirements will be deemed to demonstrate sufficient business knowledge if such changes do not materially reduce the educational requirements expressed above or otherwise materially reduce the investor protection contemplated by this regulation.

D. No person shall publish, give publicity to, or circulate any notice, circular, advertisement, newspaper article, letter, investment service or communication which, though not purporting to offer a security for sale, describes such security, for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

E. Engaging in or having engaged in conduct specified in subsection A or B of this section, or other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for imposition of a penalty, denial of a pending application or refusal to renew or revocation of an effective registration.

21 VAC 5-20-285. Fraudulent or deceitful practices of broker-dealers and sales agents; customer notice requirements.

A. The purpose of this section is to identify practices in the securities business which are generally associated with schemes to manipulate. A broker-dealer or agent who engages in one or more of the following practices shall be deemed to have engaged in a "transaction, practice or course of business which operates or would operate as a fraud or deceit" under § 13.1-502 of the Act. This section is not intended to be all inclusive, and thus, transactions or practices not enumerated herein may also be deemed fraudulent.

- 1. Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit.*
- 2. Contradicting or negating the importance of any information contained in a prospectus or other offering materials with intent to deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner.*
- 3. In connection with the offer, sale, or purchase of a security, falsely leading a customer to believe that the broker-dealer or agent is in possession of material, nonpublic information which would affect the value of the security.*
- 4. In connection with the solicitation of a sale or purchase of a security, engaging in a pattern or practice of making contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstances of each investor.*
- 5. Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (i) transferring securities to a customer, another broker-dealer or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees or (ii) parking or withholding securities.*
- 6. Although nothing in this section precludes application of the general anti-fraud provisions against anyone for practices similar in nature to the practices discussed below, the following subdivisions a through f specifically apply only in connection with the solicitation of a purchase or sale of OTC (over the counter) unlisted non-NASDAQ equity securities:*
 - a. Failing to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions.*

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b. In connection with a principal transaction, failing to disclose, both at the time of solicitation and on the confirmation, a short inventory position in the firm's account of more than 3.0% of the issued and outstanding shares of that class of securities of the issuer; provided that subdivision 6 shall apply only if the firm is a market maker at the time of the solicitation.

c. Conducting sales contests in a particular security.

d. After a solicited purchase by a customer, failing or refusing, in connection with a principal transaction, to promptly execute sell orders.

e. Soliciting a secondary market transaction when there has not been a bona fide distribution in the primary market.

f. Engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security.

7. Effecting any transaction in, or inducing the purchase or sale of any security by means or any manipulative, deceptive or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts.

8. Failing to comply with any prospectus delivery requirements promulgated under federal law or the Act.

9. In connection with the solicitation of a sale or purchase of an OTC unlisted non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under § 13 of the Securities Exchange Act when requested to do so by a customer.

10. Marking any order tickets or confirmations as unsolicited when in fact the transaction was solicited.

11. For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account with respect to all OTC non-NASDAQ equity securities in the account, containing a value for each such security based on the closing market bid on a date certain; provided that, this subdivision shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued.

12. Failing to comply with any applicable provision of the Rules of Fair Practice of the NASD or any applicable fair practice or ethical standard promulgated by the SEC or by a self-regulatory organization approved by the SEC.

13. In connection with the solicitation of a purchase or sale of a designated security:

a. Failing to disclose to the customer the bid and ask price, at which the broker-dealer effects transactions with individual, retail customers, of the designated

security as well as its spread in both percentage and dollar amounts at the time of solicitation and on the trade confirmation documents, or

b. Failing to include with the confirmation, the notice disclosure contained in subsection B of this section, except the following shall be exempt from this requirement:

(1) Transactions in which the price of the designated security is \$5.00 or more, exclusive of costs or charges; provided, that if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities must be \$5.00 or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security must have an exercise price or conversion price of \$5.00 or more.

(2) Transactions that are not recommended by the broker-dealer or agent.

(3) Transactions by a broker-dealer: (i) whose commissions, commission equivalents, and mark-ups from transactions in designated securities during each of the immediately preceding three months, and during 11 or more of the preceding 12 months, did not exceed 5.0% of its total commissions, commission-equivalents, and mark-ups from transactions in securities during those months; and (ii) who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the immediately preceding 12 months.

(4) Any transaction or transactions that, upon prior written request or upon its own motion, the commission conditionally or unconditionally exempts as not encompassed within the purposes of this section.

c. For purposes of this section the term "designated security" means any equity security other than a security:

(1) Registered, or approved for registration upon notice of issuance, on a national securities exchange and makes transaction reports available pursuant to 17 CFR 11Aa3-1 under the Securities Exchange Act of 1934;

(2) Authorized, or approved for authorization upon notice of issuance, for quotation in the NASDAQ system;

(3) Issued by an investment company registered under the Investment Company Act of 1940;

(4) That is a put option or call option issued by The Options Clearing Corporation; or

(5) Whose issuer has net tangible assets in excess of \$4,000,000 as demonstrated by financial statements dated less than 15 months previously that the broker or dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person, and

(a) In the event the issuer is other than a foreign private issuer, are the most recent financial statements for the issuer that have been audited and reported on by an independent public accountant in accordance with the provisions of 17 CFR 210.2.02 under the Securities Exchange Act of 1934; or

(b) In the event the issuer is a foreign private issuer, are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 CFR 241.12g3-2(b) under the Securities Exchange Act of 1934; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.

B. Customer notice requirements follow:

IMPORTANT CUSTOMER NOTICE--READ CAREFULLY

You have just entered into a solicited transaction involving a security which may not trade on an active national market. The following should help you understand this transaction and be better able to follow and protect your investment.

Q. What is meant by the BID and ASK price and the spread?

A. The BID is the price at which you could sell your securities at this time. The ASK is the price at which you bought. Both are noted on your confirmation. The difference between these prices is the "spread," which is also noted on the confirmation, in both a dollar amount and a percentage relative to the ASK price.

Q. How can I follow the price of my security?

A. For the most part, you are dependent on broker-dealers that trade in your security for all price information. You may be able to find a quote in the newspaper, but you should keep in mind that the quote you see will be for dealer-to-dealer transactions (essentially wholesale prices and will not necessarily be the prices at which you could buy or sell).

Q. How does the spread relate to my investments?

A. The spread represents the profit made by your broker-dealer and is the amount by which your investment must increase (the BID must rise) for you to

break even. Generally, a greater spread indicates a higher risk.

Q. How do I compute the spread?

A. If you bought 100 shares at an ASK price of \$1.00, you would pay \$100 (100 shares x \$1.00 = \$100). If the BID price at the time you purchased your stock was \$.50, you could sell the stock back to the broker-dealer for \$50 (100 shares x \$.50 = \$50). In this example, if you sold at the BID price, you would suffer a loss of 50%.

Q. Can I sell at any time?

A. Maybe. Some securities are not easy to sell because there are few buyers, or because there are no broker-dealers who buy or sell them on a regular basis.

Q. Why did I receive this notice?

A. The laws of some states require your broker-dealer or sales agent to disclose the BID and ASK price on your confirmation and include this notice in some instances. If the BID and ASK were not explained to you at the time you discussed this investment with your broker, you may have further rights and remedies under both state and federal law.

Q. Where do I go if I have a problem?

A. If you cannot work the problem out with your broker-dealer, you may contact the Virginia State Corporation Commission, the United States Securities and Exchange Commission, or the National Association of Securities Dealers, Inc.

21 VAC 5-20-330. Model rules for sales of securities at financial institutions.

A. This section applies exclusively to broker-dealer services conducted by broker-dealers and their agents on the premises of a financial institution where retail deposits are taken.

This section does not alter or abrogate a broker-dealer's obligation to comply with other applicable laws, rules, or regulations that may govern the operations of broker-dealers and their agents, including but not limited to, supervisory obligations. This section does not apply to broker-dealer services provided to nonretail customers.

B. For purposes of this section, the following terms have the meanings indicated:

1. "Financial institution" means federal and state-chartered banks, savings and loan associations, savings banks, credit unions, and the service corporations of such institutions located in Virginia.

2. "Networking arrangement" means a contractual or other arrangement between a broker-dealer and a financial institution pursuant to which the broker-dealer conducts broker-dealer services on the premises of such financial institution where retail deposits are taken.

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3. "Broker-dealer services" means the investment banking or securities business as defined in paragraph (p) of Article I of the By-Laws of the NASD.

C. Standards for broker-dealer conduct. No broker-dealer shall conduct broker-dealer services on the premises of a financial institution where retail deposits are taken unless the broker-dealer and its agents complies initially and continuously with the following requirements:

1. *Setting.* Wherever practical, broker-dealer services shall be conducted in a physical location distinct from the area in which the financial institution's retail deposits are taken. In those situations where there is insufficient space to allow separate areas, the broker-dealer has a heightened responsibility to distinguish its services from those of the financial institution. In all situations, the broker-dealer shall identify its services in a manner that clearly distinguishes those services from the financial institution's retail deposit-taking activities. The broker-dealer's name shall be clearly displayed in the area in which the broker-dealer conducts its services.

2. *Networking arrangements and program management.* Networking arrangements shall be governed by a written agreement that sets forth the responsibilities of the parties and the compensation arrangements. Networking arrangements must provide that supervisory personnel of the broker-dealer and representatives of state securities authorities, unless prohibited by state law, will be permitted access to the financial institution's premises where the broker-dealer conducts broker-dealer services in order to inspect the books and records and other relevant information maintained by the broker-dealer with respect to its broker-dealer services. Management of the broker-dealer shall be responsible for ensuring that the networking arrangement clearly outlines the duties and responsibilities of all parties, including those of financial institution personnel.

3. *Customer disclosure and written acknowledgment.*

a. At or prior to the time that a customer's securities brokerage account is opened by a broker-dealer on the premises of a financial institution where retail deposits are taken, the broker-dealer or its agents shall:

(1) Disclose, orally and in writing, that the securities products purchased or sold in a transaction with the broker-dealer:

(a) Are not insured by the Federal Deposit Insurance Corporation ("FDIC") or the National Credit Union Administration ("NCUA").

(b) Are not deposits or other obligations of the financial institution and are not guaranteed by the financial institution; and

(c) Are subject to investment risks, including possible loss of principal invested.

(2) Make reasonable efforts to obtain from each customer during the account opening process a written acknowledgment of the disclosures required by subdivision C 3 a 1.

b. If broker-dealer services include any written or oral representations concerning insurance coverage, other than FDIC insurance coverage, then clear and accurate written or oral explanations of the coverage must also be provided to the customers when such representations are first made.

4. *Communications with the public.*

a. All of the broker-dealer's confirmations and account statements must indicate clearly that the broker-dealer services are provided by the broker-dealer.

b. Advertisements and sales literature that announce the location of a financial institution where broker-dealer services are provided by the broker-dealer or its agents, or that are distributed by the broker-dealer or its agents on the premises of a financial institution, must disclose that securities products: are not insured by the FDIC; are not deposits or other obligations of the financial institution and are not guaranteed by the financial institution; and are subject to investment risks, including possible loss of the principal invested. The shorter logo format described in subdivision C 4 d may be used to provide these disclosures.

c. Recommendations by a broker-dealer or its agents concerning nondeposit investment products with a name similar to that of a financial institution must only occur pursuant to policies and procedures reasonably designed to minimize risk of customer confusion.

d. The following shorter logo format disclosures may be used by a broker-dealer or its agents in advertisements and sales literature, including material published, or designed for use, in radio or television broadcasts, automated teller machine ("ATM") screens, billboards, signs, posters and brochures, to comply with the requirements of subdivision C 4 b provided that such disclosures are displayed in a conspicuous manner:

(1) Not FDIC insured

(2) No bank guarantee

(3) May lose value

e. As long as the omission of the disclosures required by subdivision C 4 b would not cause the advertisement or sales literature to be misleading in light of the context in which the material is presented, such disclosures are not required with respect to messages contained in:

(1) Radio broadcasts of 30 seconds or less;

(2) Electronic signs, including billboard-type signs that are electronic, time and temperature signs and

ticker tape signs, but excluding messages contained in such media as television, on-line computer services, or ATMs; and

(3) Signs, such as banners and posters, when used only as location indicators.

5. Notification of termination. The broker-dealer must promptly notify the financial institution if any agent of the broker dealer who is employed by the financial institution is terminated for cause by the broker-dealer.

21 VAC 5-30-40. Requirements for registrations filed pursuant to §§ 13.1-508 and 13.1-510 of the Code of Virginia.

A. Except as provided in subsection B of 21 VAC 5-30-90, the balance sheet required by §§ 13.1-508 and 13.1-510 of the ~~Code of Virginia Act~~ must be examined and reported upon with an opinion expressed by an independent accountant and shall include the information described in 21 VAC 5-30-10 in the definition of "certified financial statements." (See 21 VAC 5-30-40 B and C).

B. In lieu of the financial information required by ~~these Code sections~~ §§ 13.1-508 and 13.1-510 of the Act, the registration statement may contain certified financial statements for the issuer's and/or any predecessor's three most recent fiscal or calendar years preceding the date of filing the registration statement. If the issuer's or any predecessor's existence is less than three years, then the *registration statement may contain certified financial statements for the issuer's or any predecessor's most recent fiscal year preceding the date of filing the registration statement.*

C. If the certified financial statements ~~as outlined by~~ described in subsection B are as of a date in excess of four months prior to the filing of the registration statement then an unaudited balance sheet (as of a date within four months prior to the filing of the registration statement together with a profit and loss statement and analysis of surplus for the period between the close of the latest fiscal year and the date of the balance sheet) must be filed in addition to the certified financial statements.

21 VAC 5-30-90. Small corporate offering registration.

A. A registration statement on Form U-7 (Small Corporate Offering Registration Form), as amended by NASAA on April 28, 1996, may be used to register securities by qualification under § 13.1-510 of the Act, provided the conditions set forth in subsection B of this section, and the instructions to Form U-7, are satisfied.

B. The financial statements included in the application for registration shall be those required under the instructions to the Form U-7. Financial statements shall be prepared in accordance with either U.S. or Canadian generally accepted accounting principles. Interim financial statements may be unaudited. All other financial statements shall be audited by independent certified public accountants; provided, that if each of the following four conditions are met, such financial

statements in lieu of being audited may be reviewed by independent certified public accountants in accordance with the Accounting and Review Service Standards promulgated by the American Institute of Certified Public Accountants or the Canadian equivalent:

1. The issuer shall not have previously sold securities through an offering involving the general solicitation of prospective investors by means of advertising, mass mailing, public meetings, "cold call" telephone solicitation, or any other method directed toward the public;

2. The issuer has not been previously required under federal, state, provincial or territorial securities laws to provide audited financial statements in connection with any sale of its securities;

3. The aggregate amount of all previous sales of securities by the issuer (exclusive of debt financing with banks and similar commercial lenders) shall not exceed \$1,000,000; and

4. The amount of the present offering does not exceed \$1,000,000.

21 VAC 5-40-50. Foreign issuer.

In accordance with § 13.1-514 A 13 of the Act, any equity or debt security issued by an issuer organized under the laws of any foreign country is exempted from the securities registration requirements of the Act provided the following criteria are met:

1. With respect to an equity security, the security ~~is included on the List of Foreign Margin Stocks ("the list")~~ periodically published meets the marginability requirements of regulation T adopted by the Board of Governors of the Federal Reserve System ("the Board") or is an American Depository Receipt (~~"ADR"~~) representing such a security ~~whether or not the ADR is included on the list;~~ and

2. With respect to a debt security, the security meets the marginability requirements of regulation T adopted by the Board.

21 VAC 5-40-100. Domestic issuer limited transactional exemption.

A. In accordance with § 13.1-514 B 7 {b} of the Act, an offer or sale by the issuer of any of the following securities issued by a corporation, partnership, limited liability company, or real estate investment trust, as the case may be: note, stock, bond, debenture, evidence of indebtedness, partnership interest, share of beneficial interest in a real estate investment trust, a warrant or right to purchase or subscribe to any of the foregoing or a security convertible into any of the foregoing, shall be exempt from the securities, broker-dealer and agent registration requirements of the Act, provided the following conditions are met:

1. In connection with an offering pursuant to this section, there shall be no more than 35 purchasers in this Commonwealth during any period of 12 consecutive months;

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2. In connection with an offering pursuant to this section, the issuer shall:

a. Deliver Form VA-1 and in certain prescribed circumstances, Part 2 of Form VA-1 or a disclosure document containing the information required by Form VA-1 and Part 2, if required, to each prospective purchaser prior to a sale to a purchaser; and

b. Sell securities only to purchasers, each of which the issuer shall, after reasonable inquiry, believe either:

(1) Has sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and is able to bear the economic risks of the prospective investment; or

(2) Together with a purchaser representative or representatives, has sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and that the purchaser is able to bear the economic risks of the prospective investment; and

3. No commission or similar remuneration is paid or given, directly or indirectly, for soliciting a prospective purchaser, or in connection with sales of securities in reliance on this section, unless paid to a broker-dealer and its agent who are registered under the Act *and the securities are offered only to persons whose investing history demonstrates an ability to evaluate the merits and risks of the investment and who are capable of bearing the economic risks of the investment.*

B. This exemption is not available with respect to an offering:

1. Pursuant to a registration statement or Regulation A (17 CFR 230.251-230.263) notification which has been filed under the Securities Act of 1933;

2. Pursuant to an exemption under Regulation D (17 CFR 230.505 or 17 CFR 230.506), which offering may be exempted in Virginia only by 21 VAC 5-40-30, Uniform Limited Offering Exemption;

3. If the amount of money to be raised from the offering exceeds ~~\$1,000,000~~ \$2,000,000;

4. If the issuer has offered for sale or sold its securities which are of the same or a similar class as that to be offered for sale or sold under this section within 180 days prior to this offering or if the issuer offers for sale or sells its securities that are of the same or a similar class as those offered and sold under this section within 180 days after this offering; or

5. If the issuer does not have a *its* principal place of business in this Commonwealth.

C. An exemption under this section is not available if the issuer, its directors, officers, partners, members, trustees or beneficial owners of 10% or more of a class of its voting

securities, or its promoters or agents connected with it or a person offering or selling the securities for or on behalf of the issuer:

1. Has been convicted (or has pleaded nolo contendere) within five years prior to reliance on this section of a felony or a misdemeanor in connection with the purchase or sale of a security, or in connection with making a false filing with the ~~United States Securities and Exchange Commission~~ SEC or a state securities administrator or of a felony involving fraud or deceit, including but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny, conspiracy to defraud, or theft;

2. Is subject to an order, judgment or decree of a court of competent jurisdiction that temporarily or preliminarily restrains or enjoins, or is subject to an order, judgment or decree of a court of competent jurisdiction, entered within five years prior to reliance on this section, which permanently restrains or enjoins a person from engaging in or continuing a practice or conduct in connection with the purchase or sale of a security, or involving the making of a false filing with the ~~United States Securities and Exchange Commission~~ SEC or a state securities administrator;

3. Is subject to a United States Postal Service false representation order entered within five years prior to reliance on this section; or

4. Is subject to a state administrative order entered within five years prior to reliance on this section by a state securities administrator in which fraud or deceit was found.

D. The issuer shall file with the ~~State Corporation~~ commission 15 days prior to the first sale in this Commonwealth in reliance on this section:

1. A copy of Form VA-1, including Part 2, if applicable or a disclosure document containing the information required by the Form;

2. An executed Consent to Service of Process on Form U2 appointing the Clerk of the State Corporation Commission as its agent for service of process;

3. An undertaking to promptly provide to the ~~State Corporation~~ commission, upon request, additional information as the ~~State Corporation~~ commission may require; and

4. A nonrefundable filing fee of \$250.

E. The issuer shall, within 30 days after the completion of the offering, file with the commission a report of sales indicating the number of purchasers in this Commonwealth, a description of the securities sold to such purchasers, and the total dollar amount raised.

~~E.~~ F. This section does not exempt persons or transactions from the anti-fraud provisions of the Act.

~~F. G.~~ The ~~State Corporation~~ commission may deny the exemption if it determines that a particular transaction or offering is not in the public interest.

~~G. H.~~ For purposes of this section and § 13.1-514 B 7 (b) of the Act, the following shall apply:

1. Neither the issuer nor persons acting on its behalf shall offer or sell the securities by form of general solicitation or advertising, including but not limited to, the following:

a. "Cold" calls" by telephone or other means, advertising, article, notice, or other communication published in a newspaper, newsletter, magazine, mass mailing, electronic media, or similar media or broadcast over television or radio; or

b. Seminars or meetings whose attendees have been invited by general solicitation or general advertising.

2. Securities acquired in a transaction under this section shall not be resold without registration under or exemption from the ~~Virginia Securities~~ Act. The issuer or a person acting on its behalf shall exercise reasonable care to assure that the purchasers of the securities in an offering under this section are purchasing for investment and not with a view to distribution of the securities. Reasonable care shall include, but not be limited to, the following:

a. Reasonable inquiry to determine whether the purchaser is acquiring the securities for himself or for other persons;

b. Placement of a restrictive legend on the certificate or other document evidencing the securities. The legend shall be in the following form: THE SECURITIES REPRESENTED BY THIS CERTIFICATE (OR OTHER DOCUMENT) HAVE BEEN ISSUED PURSUANT TO A CLAIM OF EXEMPTION FROM THE REGISTRATION OR QUALIFICATION PROVISIONS OF FEDERAL AND STATE SECURITIES LAWS AND SHALL NOT BE SOLD OR TRANSFERRED WITHOUT COMPLIANCE WITH THE REGISTRATION OR QUALIFICATION PROVISIONS OF APPLICABLE FEDERAL AND STATE SECURITIES LAWS OR APPLICABLE EXEMPTIONS THEREFROM;

c. Issuance of stop-transfer instructions to the issuer's transfer agent with respect to the securities, or, if the issuer transfers its own securities, notation in the appropriate records of the issuer; and

d. Obtaining from the purchaser a signed agreement that the securities will not be sold unless they are registered under the ~~Virginia Securities~~ Act or exempted from registration.

3. All sales that are part of the same offering under this section shall meet all the conditions of this section. Offers and sales that are made more than six months before the commencement of an offering under this section or are made more than six months after

completion of an offering under this section will not be considered part of that offering, so long as during those six-month periods there are no offers or sales of securities by or on behalf of the issuer that are of the same or a similar class as those offered or sold under this section. If securities of the same or a similar class as those offered pursuant to this section are offered or sold less than six months before or after an offer or sale pursuant to this section, those offers to sell or sales, will be deemed to be "integrated" with the offering.

~~H. I.~~ In proceedings involving this section, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

~~I. J.~~ The exemption authorized by this section shall be known and may be cited as the "Domestic Issuer Limited Transactional Exemption."

21 VAC 5-40-130. Calculation of the number of purchasers under § 13.1-514 B 7 b.

A. For the purpose of calculating the number of purchasers in the Commonwealth under § 13.1-514 B 7 b of the Act, the following persons are excluded:

1. A relative, spouse, or relative of the spouse of a purchaser, who has the same principal residence as the purchaser;

2. A trust or estate in which a purchaser and any of the persons related to the purchaser as specified in subdivision 1 or 3 of this subsection collectively are beneficial owners of more than 50% of the interests, excluding contingent interests;

3. A corporation, limited liability company, partnership, or other entity of which a purchaser and any of the persons related to the purchaser as specified in subdivision 1 or 2 of this subsection collectively are beneficial owners of more than 50% of the equity interests (excluding directors' qualifying shares); and

4. A person who comes within one of the categories of an "accredited investor" in Rule 501(a) of Regulation D (17 CFR 230.501-230.508) adopted by the SEC under the Securities Act of 1933.

B. A corporation, partnership, limited liability company, unincorporated association or trust is considered one purchaser unless it was organized to raise capital for the issuer.

C. If a purchaser that is a corporation, partnership, limited liability company, unincorporated association or trust was organized to raise capital for the issuer and is not an "accredited investor" under Rule 501(a)(8) of Regulation D (17 CFR 230.501 through 230.508), then each beneficial owner of an equity interest in the corporation, partnership, limited liability company, unincorporated association or trust is considered a separate purchaser.

D. A noncontributory employee benefit plan within the meaning of Title I of the Employee Retirement Income

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Security Act of 1974 is considered one purchaser, if the plan's trustee makes all investment decisions for the plan.

21 VAC 5-40-140. Accredited investor exemption.

A. In accordance with § 13.1-514 B 19 of the Act, any offer or sale of a security by an issuer in a transaction that meets the requirements of this section is exempt from the securities, broker-dealer and agent registration requirements of the Act.

B. Sales of securities shall be made only to persons who are or the issuer reasonably believes are "accredited investors," as that term is defined in 17 CFR 230.501(a), and

1. Have sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and are able to bear the economic risks of the prospective investment; or

2. Together with a purchaser representative or representatives, have sufficient knowledge and experience in financial and business matters to be capable of evaluating the merits and risks of the prospective investment, and are able to bear the economic risks of the prospective investment.

C. The exemption is not available to an issuer that is in the development stage that either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

D. The issuer reasonably believes that all purchasers are purchasing for investment and not with the view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within 12 months of sale shall be presumed to be with a view to distribution and not for investment, except a resale pursuant to a registration statement effective under §§ 13.1-508 through 13.1-510 of the Act or to an accredited investor pursuant to an exemption available under the Act.

E. 1. The exemption is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of 10% or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of such underwriter:

a. Within the last five years, has filed a registration statement which is the subject of a currently effective registration stop order entered by any state securities administrator or the SEC;

b. Within the last five years, has been convicted of any criminal offense in connection with the offer, purchase or sale of any security, or involving fraud or deceit;

c. Is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five years, finding fraud or deceit in

connection with the purchase or sale of any security; or

d. Is currently subject to any order, judgment or decree of any court of competent jurisdiction, entered within the last five years, temporarily, preliminarily or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

2. Subdivision 1 of this subsection shall not apply if:

a. The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment or decree creating the disqualification was entered against such party;

b. Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification; or

c. The issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under this section.

F. 1. A general announcement of the proposed offering may be made by any means.

2. The general announcement shall include only the following information, unless additional information is specifically permitted by the commission:

a. The name, address and telephone number of the issuer of the securities;

b. The name, a brief description and price (if known) of any security to be issued;

c. A description of the business of the issuer in 25 words or less;

d. The type, number and aggregate amount of securities being offered;

e. The name, address and telephone number of the person to contact for additional information; and

f. A statement that:

(1) Sales will only be made to accredited investors;

(2) No money or other consideration is being solicited or will be accepted by way of this general announcement; and

(3) The securities have not been registered with or approved by any state securities agency or the SEC and are being offered and sold pursuant to an exemption from registration.

G. The issuer, in connection with an offer, may provide information in addition to the general announcement under subsection F of this section, if such information:

1. Is delivered through an electronic database that is restricted to persons who have been pre-qualified as accredited investors; or

2. Is delivered if the issuer reasonably believes that the prospective purchaser is an accredited investor.

H. No telephone solicitation shall be permitted unless prior to placing the call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor.

I. Dissemination of the general announcement of the proposed offering to persons who are not accredited investors shall not disqualify the issuer from claiming the exemption under this section.

J. The issuer shall file with the Commission no later than 15 days after the first sale in this Commonwealth from an offering being made in reliance upon this exemption:

1. A notice on the Model Accredited Investor Exemption Uniform Notice of Transaction form (see CCH NASAA Reports ¶362).

2. An executed consent of service of process appointing the Clerk of the Commission as its agent for purpose of service of process, unless a currently effective consent to service of process is on file with the commission.

3. A copy of the general announcement.

4. A nonrefundable filing fee of \$250.

21 VAC 5-40-150. Employee benefit plans; eligible participants.

The term "employee" as referred to in § 13.1-514 A 10 of the Act shall include all directors of the issuer regardless of whether the director is employed by the issuer. This exemption shall not apply to transfers of securities to individuals who are appointed directors for the purpose of avoiding registration under the Act.

21 VAC 5-80-30. Renewals.

A. To renew its registration, an investment advisor will be billed by the ~~NASAA/NASD Central Registration Depository system~~ Division of Securities and Retail Franchising or any other entity designated by the commission the statutory fee of \$200 prior to the annual expiration date. A renewal of registration shall be granted as of course upon payment of the proper fee together with any surety bond that the commission may require pursuant to 21 VAC 5-80-180 B unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Act.

B. To renew its notice filing a federal covered advisor will be billed by the ~~NASAA/NASD Central Registration Depository~~ Division of Securities and Retail Franchising or any other entity designated by the commission the statutory fee of \$200 prior to the annual expiration date. A renewal of notice filing shall be granted as a matter of course upon payment of the proper fee.

Notwithstanding the exclusion provided by subdivision (vi) of § 13.1-501 of the Act in the definition of "investment advisor," for the period ending three years from October 11, 1996, the commission may require the registration as an investment advisor of any federal covered advisor who fails or refuses to pay a fee required by this rule; provided that a delay in payment or an underpayment of a fee that is remedied within 15 days after receipt of notice from the commission shall not constitute a failure or refusal to pay the fee.

21 VAC 5-80-60. Investment advisor merger or consolidation.

In any merger or consolidation of an investment advisor or federal covered advisor a new application for registration or notice filing together with the proper fee must be filed with the commission at its Division of Securities and Retail Franchising.

For each investment advisor representative of the new or surviving entity who will transact business in this Commonwealth, an application for registration together with the proper fee or fees must also be filed ~~on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system~~ with the commission at its Division of Securities and Retail Franchising or any other entity designated by the commission and in full compliance with the forms prescribed by the commission. The foregoing filing requirement applies to each investment advisor representative who has a place of business located in the Commonwealth and who is connected with a federal covered advisor that is the new or surviving entity to the merger or consolidation.

21 VAC 5-80-70. Application for registration as an investment advisor representative.

A. Application for registration as an investment advisor representative shall be filed ~~on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system~~ with the commission at its Division of Securities and Retail Franchising or any other entity designated by the commission on and in full compliance with forms prescribed by the commission. The application shall include all information required by such forms.

B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor representative unless the following executed forms, fee and information are submitted:

1. Form U-4.

2. The statutory fee in the amount of \$30. The check must be made payable to the ~~NASD~~ Treasurer of Virginia.

3. Provide evidence of obtaining a minimum passing grade of 70% on the Uniform Investment Adviser Law Examination, Series 65; the Uniform Combined State Law Examination, Series 66; or on a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the

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commission, the Director of the Division of Securities and Retail Franchising designates.

~~3.~~ 4. Any other information the commission may require.

C. The commission shall either grant or deny each application for registration within 30 days after it is filed. However, if additional time is needed to obtain or verify information regarding the application, the commission may extend such period as much as 90 days by giving written notice to the applicant. No more than three such extensions may be made by the commission on any one application. An extension of the initial 30-day period, not to exceed 90 days, shall be granted upon written request of the applicant.

21 VAC 5-80-90. Renewals.

To renew the registration(s) of its investment advisor representative(s), an investment advisor or federal covered advisor will be billed by the ~~NASAA/NASD Central Registration Depository system~~ Division of Securities and Retail Franchising or any other entity designated by the commission the statutory fee of \$30 per investment advisor representative. A renewal of registration(s) shall be granted as a matter of course upon payment of the proper fee or fees unless the registration was, or the renewal would be, subject to revocation under § 13.1-506 of the Act.

21 VAC 5-80-100. Updates and amendments.

An investment advisor representative shall amend or update Form U-4 as required by the "Amendment Filings" provisions set forth under "How to Use Form U-4." All filings shall be made with the ~~NASAA/NASD Central Registration Depository system~~ Division of Securities and Retail Franchising or any other entity designated by the commission.

21 VAC 5-80-110. Termination of registration.

A. When an investment advisor representative terminates a connection with an investment advisor, or an investment advisor terminates connection with an investment advisor representative, the investment advisor shall file with the ~~NASAA/NASD Central Registration Depository system~~ Division of Securities and Retail Franchising or any other entity designated by the commission notice of such termination on Form U-5 within 30 calendar days of the date of termination.

B. When an investment advisor representative terminates a connection with a federal covered advisor, the investment advisor representative shall file with the ~~NASAA/NASD Central Registration Depository system~~ Division of Securities and Retail Franchising or any other entity designated by the commission notice of such termination on Form U-5 within 30 calendar days of the date of termination.

21 VAC 5-80-130. Examination/qualification.

A. An individual applying for registration as an investment advisor representative ~~on or after July 1, 1989,~~ shall be required to provide evidence of passing: (i) the Uniform Investment Adviser Law Examination, Series 65; (ii) the Uniform Combined State Law Examination, Series 66; and

the General Securities Representative Examination, Series 7; or (iii) a similar examination in general use by securities administrators which, after reasonable notice and subject to review by the commission, the Director of the Division of Securities and Retail Franchising designates with a minimum grade of 70%.

B. Any individual who is currently registered as an investment advisor or investment advisor representative in any state jurisdiction shall not be required to satisfy the examination requirements for continued registration, except that the commission may require additional examinations for any individual found to have violated any federal or state securities laws.

Any individual who has not been registered in any state jurisdiction for a period of two years shall be required to comply with the examination requirements of this section.

C. The examination requirements shall not apply to an individual who currently holds one of the following professional designations:

- 1. Certified Financial Planner (CFP) issued by the Certified Financial Planner Board of Standards, Inc.;*
- 2. Chartered Financial Consultant (ChFC) awarded by The American College, Bryn Mawr, Pennsylvania;*
- 3. Personal Financial Specialist (PFS) administered by the American Institute of Certified Public Accountants;*
- 4. Chartered Financial Analyst (CFA) granted by the Association for Investment Management and Research;*
- 5. Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America; or*
- 6. Such other professional designation, after reasonable notice and subject to review by the commission, as the Director of the Division of Securities and Retail Franchising designates.*

~~B.~~ D. In lieu of meeting the examination requirement described in subsection A of this section, an applicant who meets *all* the qualifications set forth below may file with the commission at its Division of Securities and Retail Franchising an executed Affidavit for Waiver of Examination (Form S.A.3).

- 1. No more than one other individual connected with the applicant's investment advisor is utilizing the waiver at the time the applicant files Form S.A.3.*
- 2. The applicant is, and has been for at least the five years immediately preceding the date on which the application for registration is filed, actively engaged in the investment advisory business.*
- 3. The applicant has been for at least the two years immediately preceding the date on which the application is filed the president, chief executive officer or chairman of the board of directors of an investment advisor organized in corporate form or the managing partner,*

member, trustee or similar functionary of an investment advisor organized in noncorporate form.

4. The investment advisor ~~(s)~~ *advisor or advisors* referred to in subdivision 3 has been actively engaged in the investment advisory business and during the applicant's tenure as president, chief executive officer, chairman of the board of directors, or managing partner, member, trustee or similar functionary had at least \$40 million under management.

5. The applicant verifies that he has read and is familiar with the investment advisor and investment advisor representative provisions of the Act and the provisions of Parts I through V of this chapter.

6. The applicant verifies that none of the questions in Item 22 (disciplinary history) on his Form U-4 have been, or need be, answered in the affirmative.

21 VAC 5-80-160. Recordkeeping requirements for investment advisors.

A. Every investment advisor registered or required to be registered under the Act shall make and keep *true, accurate and current* the following books, ledgers and records, except an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make, keep current, maintain and preserve such of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business:

1. A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.

2. General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.

3. A memorandum of each order given by the investment advisor for the purchase or sale of any security, of any instruction received by the investment advisor from the client concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. ~~Such~~ *The* memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment advisor who recommended the transaction to the client and the person who placed such order; and shall show the account for which entered, the date of entry, and the bank, broker or dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of discretionary power shall be so designated.

4. All check books, bank statements, canceled checks and cash reconciliations of the investment advisor.

5. All bills or statements (or copies ~~thereof of~~), paid or unpaid, relating to the business ~~of the~~ *as an* investment advisor ~~as such~~.

6. All trial balances, financial statements *prepared in accordance with generally accepted accounting principles which shall include a balance sheet, income statement and such other statements as may be required pursuant to 21 VAC 5-80-180*, and internal audit working papers relating to the ~~business of such~~ *investment advisor's business as an investment advisor*.

7. Originals of all written communications received and copies of all written communications sent by such investment advisor relating to (i) any recommendation made or proposed to be made and any advice given or proposed to be given, (ii) any receipt, disbursement or delivery of funds or securities, and (iii) the placing or execution of any order to purchase or sell any security; provided, however, (a) that the investment advisor shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment advisor, and (b) that if the investment advisor sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment advisor shall not be required to keep a record of the names and addresses of the persons to whom it was sent; except that if such notice, circular or advertisement is distributed to persons named on any list, the investment advisor shall retain with a copy of such notice, circular or advertisement a memorandum describing the list and the source thereof.

8. A list or other record of all *accounts which list identifies the* accounts in which the investment advisor is vested with any discretionary power with respect to the funds, securities or transactions of any client.

9. All powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment advisor, or copies thereof.

10. All written agreements (or copies thereof) entered into by the investment advisor with any client ~~or otherwise relating to the business of such investment advisor as such~~, *and all other written agreements otherwise related to the investment advisor's business as an investment advisor*.

11. ~~a. A copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication recommending the purchase or sale of a specific security, which the investment advisor circulates or distributes, directly or indirectly, to 10 or more persons (other than investment advisory clients or persons connected with such investment advisor); and if such notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication does not state the reasons for such recommendation, a memorandum of the investment advisor indicating the reasons therefor.~~

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~~b. All of their advertisements and all records, worksheets, and calculations necessary to form the basis for performance data in their advertisements.~~

11. A file containing a copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media that the investment advisor circulates or distributes, directly or indirectly, to two or more persons (other than persons connected with the investment advisor), and if the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media recommends the purchase or sale of a specific security and does not state the reasons for the recommendation, a memorandum of the investment adviser indicating the reasons for the recommendation.

12. a. A record of every transaction in a security in which the investment advisor or any investment ~~advisor~~ advisory representative of such investment advisor has, or by reason of ~~such~~ any transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment ~~advisor~~ advisory representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment ~~advisor~~ advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. For purposes of this subdivision 12 the following definitions will apply. The term "advisory representative" means any partner, officer or director of the investment advisor; any employee who participates in any way in the determination of which recommendations shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons who obtain information concerning securities recommendations being made by the investment advisor prior to the effective dissemination of the recommendations:

(1) Any person in a control relationship to the investment adviser,

(2) Any affiliated person of a controlling person, and

(3) Any affiliated person of an affiliated person.

"Control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25% of the ownership interest of a company shall be presumed to control such company.

~~b. c.~~ An investment advisor shall not be deemed to have violated the provisions of this subdivision 12 because of his failure to record securities transactions of any investment advisor representative if ~~he~~ *the investment advisor* establishes that ~~he~~ *it* instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

13. a. Notwithstanding the provisions of subdivision 12 of this subsection, where the investment advisor is primarily engaged in a business or businesses other than advising ~~registered investment companies or other investment~~ advisory clients, a record must be maintained of every transaction in a security in which the investment advisor or any investment ~~advisor~~ advisory representative of such investment advisor has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment ~~advisor~~ advisory representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment ~~advisor~~ advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. An investment advisor is "primarily engaged in a business or businesses other than advising ~~registered investment companies or other investment~~ advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is less, the investment advisor derived, on an unconsolidated basis, more than 50% of (i) its total sales and revenues, and (ii) its income (or loss)

before income taxes and extraordinary items, from such other business or businesses.

c. For purposes of this subdivision 13 the following definitions will apply. The term "advisory representative," when used in connection with a company primarily engaged in a business or businesses other than advising investment advisory clients, means any partner, officer, director or employee of the investment advisor who participates in any way in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons, who obtain information concerning securities recommendations being made by the investment advisor prior to the effective dissemination of such the recommendations or of the information concerning the recommendations:

- (1) Any person in a control relationship to the investment advisor,*
- (2) Any affiliated person of a controlling person, and*
- (3) Any affiliated person of an affiliated person.*

~~6. d.~~ *An investment advisor shall not be deemed to have violated the provisions of this subdivision 13 because of his failure to record securities transactions of any investment advisor representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.*

14. A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment advisor in accordance with the provisions of 21 VAC 5-80-190 and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

15. For each client that was obtained by the advisor by means of a solicitor to whom a cash fee was paid by the advisor, the following:

- a. Evidence of a written agreement to which the advisor is a party related to the payment of such fee;*
- b. A signed and dated acknowledgement of receipt from the client evidencing the client's receipt of the investment advisor's disclosure statement and a written disclosure statement of the solicitor; and,*
- c. A copy of the solicitor's written disclosure statement. The written agreement, acknowledgement and solicitor disclosure statement will be considered to be in compliance if such documents are in compliance with Rule 275.206(4)-3 of the Investment Advisers Act of 1940.*

For purposes of this regulation, the term "solicitor" shall mean any person or entity who, for compensation, acts as an agent of an investment advisor in referring potential clients.

16. All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including but not limited to electronic media that the investment advisor circulates or distributes directly or indirectly, to two or more persons (other than persons connected with the investment advisor); provided, that with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this subdivision.

~~15.~~ *17. Every investment advisor subject to 21 VAC 5-80-170 shall keep in each business office written procedures which shall include, but not be limited to, the duties imposed under 21 VAC 5-80-170.*

18. Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

19. Written procedures to supervise the activities of employees and investment advisor representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

20. A file containing a copy of each document (other than any notices of general dissemination) that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment advisor representatives, which file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

B. If an investment advisor subject to subsection A of this section has custody or possession of securities or funds of any client, the records required to be made and kept under subsection A above shall also include:

- 1. A journal or other record showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for such accounts and all other debits and credits to such accounts.*
- 2. A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each such purchase and sale, and all debits and credits.*
- 3. Copies of confirmations of all transactions effected by or for the account of any such client.*

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4. A record for each security in which any ~~such~~ client has a position, which record shall show the name of each ~~such~~ client having any interest in each security, the amount or interest of each ~~such~~ client, and the location of each ~~such~~ security.

C. Every investment advisor subject to subsection A of this section who renders any investment advisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment advisor, make and keep true, accurate and current:

1. Records showing separately for each ~~such~~ client the securities purchased and sold, and the date, amount and price of each ~~such~~ purchase and sale.
2. For each security in which any ~~such~~ client has a current position, information from which the investment advisor can promptly furnish the name of each ~~such~~ client, and the current amount or interest of ~~such~~ the client.

D. Any books or records required by this section may be maintained by the investment advisor in such manner that the identity of any client to whom such investment advisor renders investment advisory services is indicated by numerical or alphabetical code or some similar designation.

E. *Every investment advisor subject to subsection A of this section shall preserve the following records in the manner prescribed:*

1. All books and records required to be made under the provisions of subsection A to subdivision C 2, inclusive, of this section, *except for books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section*, shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on ~~such~~ record, the first two years ~~of such period~~ in the *principal* office of the investment advisor.
2. Partnership articles and any amendments ~~thereto~~, articles of incorporation, charters, minute books, and stock certificate books of the investment advisor and of any predecessor, shall be maintained in the principal office of the investment advisor and preserved until at least three years after termination of the enterprise.
3. *Books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in the principal office of the investment advisor, from the end of the fiscal year during which the investment advisor last published or otherwise disseminated, directly or indirectly, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media.*

4. Books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in the principal office of the investment advisor, from the end of the fiscal year during which the investment advisor last published or otherwise disseminated, directly or indirectly, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media.

5. *Notwithstanding other record preservation requirements of this subsection, the following records or copies shall be required to be maintained at the business location of the investment advisor from which the customer or client is being provided or has been provided with investment advisory services: (i) records required to be preserved under subdivisions A 3, A 7 through A 10, A 14 and A 15, A 17 through A 19, subsections B and C inclusive of this subdivision, and (ii) the records or copies required under the provision of subdivisions A 11 and A 16 of this section which records or related records identify the name of the investment advisor representative providing investment advice from that business location, or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in this subsection.*

F. An investment advisor subject to subsection A of this section, before ceasing to conduct or discontinuing business as an investment advisor shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this section for the remainder of the period specified in this section, and shall notify the commission in writing of the exact address where such books and records will be maintained during such period.

~~G. All books, records or other documents required to be maintained and preserved under this section may be stored on microfilm, microfiche, or an electronic data processing system or similar system utilizing an internal memory device provided a printed copy of any such record is immediately accessible.~~

G. 1. *The records required to be maintained and preserved pursuant to this section may be immediately produced or reproduced by photograph on film or, as provided in subdivision 2 of this subsection, on magnetic disk, tape or other computer storage medium, and be maintained and preserved for the required time in that form. If records are preserved or reproduced by photographic film or computer storage medium, the investment advisor shall:*

- a. *Arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record,*

b. Be ready at all times to promptly provide any facsimile enlargement of film or computer printout or copy of the computer storage medium which the commission by its examiners or other representatives may request,

c. Store separately from the original one other copy of the film or computer storage medium for the time required,

d. With respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction, and

e. With respect to records stored on photographic film, at all times have available, for the commission's examination of its records, facilities for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

2. Pursuant to subdivision 1 of this subsection an advisor may maintain and preserve on computer tape or disk or other computer storage medium records which, in the ordinary course of the advisor's business, are created by the advisor on electronic media or are received by the advisor solely on electronic media or by electronic transmission.

H. Any book or record made, kept, maintained, and preserved in compliance with SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) under the Securities Exchange Act of 1934, which is substantially the same as the book, or other record required to be made, kept, maintained, and preserved under this section shall be deemed to be made, kept, maintained, and preserved in compliance with this section.

I. For purposes of this section, "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client; and "discretionary power" shall not include discretion as to the price at which or the time when a transaction is or is to be effected, if, before the order is given by the investment advisor, the client has directed or approved the purchase or sale of a definite amount of the particular security.

J. Every investment advisor registered or required to be registered in this state and that has its principal place of business in a state other than this state shall be exempt from the requirements of this section to the extent provided by the National Securities Markets Improvement Act of 1996 (Pub.L. No. 104-290), provided the investment advisor is licensed in such state and is in compliance with such state's recordkeeping requirements.

21 VAC 5-80-200. Dishonest or unethical practices.

A. An investment advisor or federal covered advisor is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies

according to the nature of the relationship between an investment advisor or federal covered advisor and his clients and the circumstances of each case, an investment advisor or federal covered advisor shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor or federal covered advisor after reasonable examination of the client's financial records.

2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.

3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.

4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.

6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor or federal covered advisor, or a financial institution engaged in the business of loaning funds or securities.

7. Loaning money to a client unless the investment advisor or federal covered advisor is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment advisor or federal covered advisor.

8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor or federal covered advisor, or misrepresenting the nature of the advisory services being offered or fees to be charged for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment

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advisor or federal covered advisor without disclosing that fact. This prohibition does not apply to a situation where the advisor uses published research reports or statistical analyses to render advice or where an advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisors or federal covered advisors providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor or federal covered advisor or any of his employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the advisor or his employees.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940 (17 CFR 275.206(4)-1).

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor has custody or possession of such securities or funds, when the investment advisor's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor or federal covered advisor and that no assignment of such contract shall be made by the investment advisor or federal covered advisor without the consent of the other party to the contract.

17. *Failure to disclose in a timely manner (so that clients and prospective clients may take steps to protect their*

interest), advisory services and relationships, or proposed advisory services and relationships, which may be affected by year 2000 computer or equipment problems, if the advisor has not substantially addressed these problems, or is uncertain of its ability to resolve these problems.

B. An investment advisor representative is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor representative and his clients and the circumstances of each case, an investment advisor representative shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor representative after reasonable examination of the client's financial records.

2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.

3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.

4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.

6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor representative, or a financial institution engaged in the business of loaning funds or securities.

7. Loaning money to a client unless the investment advisor representative is engaged in the business of loaning funds or the client is an affiliate of the investment advisor representative.

8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor representative, or misrepresenting the nature of the advisory services being offered or fees to be charged

for such service, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor who the investment advisor representative is employed by or associated with without disclosing that fact. This prohibition does not apply to a situation where the investment advisor or federal covered advisor uses published research reports or statistical analyses to render advice or where an investment advisor or federal covered advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisor representatives providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor representative which could reasonably be expected to impair the rendering of unbiased and objective advice including:

- a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or
- b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the investment advisor representative.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor representative other than a person associated with a federal covered advisor has custody or possession of such securities or funds, when the investment advisor representative's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory or federal covered advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the

contract grants discretionary power to the investment advisor representative and that no assignment of such contract shall be made by the investment advisor representative without the consent of the other party to the contract.

C. The conduct set forth in subsections A and B of this section is not all inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice except to the extent not permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

D. The provisions of this section shall apply to federal covered advisors to the extent that fraud or deceit is involved, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

21 VAC 5-80-210. Exclusions from definition of "investment advisor" and "federal covered advisor."

A. The terms "investment advisor" and "federal covered advisor" do not include any person engaged in the investment advisory business whose only client in this Commonwealth is one (or more) of the following:

1. An investment company as defined in the Investment Company Act of 1940.
2. An insurance company licensed to transact insurance business in this Commonwealth.
3. A bank, a bank holding company as defined in the Bank Holding Company Act of 1956, a trust subsidiary organized under Article 3.1 (§ 6.1-32.1 et seq.) of Chapter 2 of Title 6.1 of the Code of Virginia, a savings institution, a credit union, or a trust company if the entity is either (i) authorized or licensed to transact such business in this Commonwealth or (ii) organized under the laws of the United States.
4. A broker-dealer so registered under the Act and under the Securities Exchange Act of 1934.
5. An employee benefit plan with assets of not less than \$5,000,000.
6. A governmental agency or instrumentality.
7. *A corporation, general partnership, limited partnership, limited liability company, trust or other legal organization that (i) has assets of not less than \$5,000,000 and (ii) receives investment advice based on its investment objectives rather than the individual investment objectives of its shareholders, partners, limited partners, members or beneficiaries, provided the investment advisor or federal covered advisor is exempt from registration pursuant to § 203(b)(3) of the Investment Advisers Act of 1940 or by any rule or regulation promulgated by the SEC under that section.*

B. Any investment advisor or federal covered advisor who (i) does not have a place of business located within this Commonwealth and (ii) during the preceding 12-month period has had fewer than six clients who are residents of

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this Commonwealth other than those listed in subsection A of this section is excluded from the registration and notice filing requirements of the Act.

21 VAC 5-80-220. Performance based fees.

A. In accordance with § 13.1-503 C of the Act, an investment advisor may enter into, extend, or renew any investment advisory contract to provide for compensation to the investment advisor on the basis of a share of the capital gains upon, or the capital appreciation of, the funds or any portion of the funds of a client, provided that the following conditions of this section are satisfied.

B. Nature of the client:

1. a. The client entering into the contract subject to this section must be a natural person or a company, as defined in subdivision 2 of this subsection and in the definition of "company" in subsection F of this section, who immediately after entering into the contract has at least ~~\$500,000~~ \$750,000 under the management of the investment advisor; or

b. A person who the registered investment advisor (and any person acting on his behalf) entering into the contract reasonably believes, immediately prior to entering into the contract, is a natural person or a company, as defined in subdivision 2 of this subsection and in the definition of "company" in subsection F of this section, whose net worth at the time the contract is entered into exceeds \$1,000,000 \$1,500,000. (The net worth of a natural person may include assets held jointly with such person's spouse.)

2. The term "company" as used in subdivision 1 of this subsection does not include:

- a. A private investment company, as defined in subsection F of this section;
- b. An investment company registered under the Investment Company Act of 1940; or
- c. A business development company, as defined in § 202(a)(22) of the Investment Advisers Act of 1940 (15 USC § 80b-2(a)(22))

unless each of the equity owners (other than the investment advisor entering into a contract under this section) of any such company identified in this subdivision 2, is a natural person or company described in this subsection B.

~~C. Compensation formula. The compensation paid to the advisor under this section with respect to the performance of any securities over a given period shall be based on a formula which:~~

~~1. Includes, in the case of securities for which market quotations are readily available, the realized capital losses and unrealized capital depreciation of the securities over the period;~~

~~2. Includes, in the case of securities for which market quotations are not readily available:~~

~~a. The realized capital losses of the securities over the period and~~

~~b. If the unrealized capital appreciation of the securities over the period is included, the unrealized capital depreciation of the securities over the period; and~~

~~3. Provides that any compensation paid to the advisor under this section is based on the gains less the losses (computed in accordance with subdivisions 1 and 2 of this subsection) in the client's account for a period of not less than one year.~~

~~D. C. Disclosure.~~ In addition to the disclosure requirements of Form ADV, the advisor shall disclose to the client, or the client's independent agent, prior to entering into an advisory contract permitted by this section, all material information concerning the proposed advisory arrangement including the following:

1. That the fee arrangement may create an incentive for the advisor to make investments that are riskier or more speculative than would be the case in the absence of a performance fee;

2. Where relevant, that the advisor may receive increased compensation with regard to unrealized appreciation as well as realized gains in the client's account;

3. The time period which will be used to measure investment performance throughout the term of the contract and its significance in the computation of the fee;

4. The nature of any index which will be used as a comparative measure of investment performance, the significance of the index, and the reason the advisor believes the index is appropriate; and

5. Where an advisor's compensation is based on the unrealized appreciation of securities for which market quotations are not readily available, how such securities will be valued and the extent to which the valuation will be independently determined.

~~E. D. Arms-length contract.~~ The investment advisor (and any person acting on its behalf) who enters into the contract must reasonably believe, immediately prior to entering into the contract, that the contract represents an arm's-length arrangement between the parties and that the client (or in the case of a client which is a company as defined in subsection ~~F~~ E of this section, the person, representing the company), alone or together with the client's independent agent, understands the proposed method of compensation and its risks. The representative of a company may be a partner, director, officer or an employee of the company or the trustee, where the company is a trust, or any other person designated by the company or trustee, but must satisfy the definition of client's independent agent set forth in subsection ~~F~~ E of this section.

~~F. E. Definitions.~~ For the purpose of this section:

The term "affiliated person" has the same meaning as in § 2 (a)(3) of the Investment Company Act of 1940 (15 USC § 80a-2(a)(3)).

The term "client's independent agent" means any person agreeing to act as the client's agent in connection with the contract other than:

1. The investment advisor acting in reliance upon this section, an affiliated person of the investment advisor, an affiliated person of an affiliated person of the investment advisor, or an interested person of the investment advisor as defined in this subsection;
2. A person who receives, directly or indirectly, any compensation in connection with the contract from the investment advisor, an affiliated person of the investment advisor, an affiliated person of an affiliated person of the investment advisor or an interested person of the investment advisor as defined in this subsection; or
3. A person with any material relationship between himself (or an affiliated person of such person) and the investment advisor (or an affiliated person of the investment advisor) that exists, or has existed at any time during the previous two years.

The term "company" has the same meaning as in § 202 (a)(5) of the Investment Advisers Act of 1940 (15 USC § 80b-2(a)(5)).

The term "interested person" as used in the definition of "client's independent agent" of this section means:

1. Any member of the immediate family of any natural person who is an affiliated person of the investment advisor;
2. Any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued by the investment advisor or by a controlling person of the investment advisor if the beneficial or legal interest of the person in any security issued by the investment advisor or by a controlling person of the investment advisor:
 - a. Exceeds one tenth of one percent of any class of outstanding securities of the investment advisor or a controlling person of the investment advisor; or
 - b. Exceeds 5.0% of the total assets of the person (seeking to act as the client's independent agent); or
3. Any person or partner or employee of any person who at any time since the beginning of the last two years has acted as legal counsel for the investment advisor.

The term "private investment company" means a company which would be defined as an investment company under § 3 (a) of the Investment Company Act of 1940 (15 USC § 80a-3(a)) but for the exception provided from that definition by § 3 (c)(1) of such Act.

The term "securities for which market quotations are readily available" in subsection C of this section has the same meaning as in Rule 2a-4 (a)(1) under the Investment Company Act of 1940 (17 CFR 270.2a-4 (a)(1)).

The term "securities for which market quotations are not readily available" in subsection C of this section means securities not described in the above paragraph.

21 VAC 5-85-10. Adopted securities forms.

The commission adopts for use under the Act the forms contained in the appendix (not included in the Virginia Administrative Code) and listed below.

Broker-Dealer and Agent Forms

Form BD--Uniform Application for Broker-Dealer Registration (2/98).

Agreement for Inspection of Records (rev. 7/98).

Form S.A.11--Broker-Dealer's Surety Bond (rev. ~~1982~~ 7/99).

Form S.A.2--Application for Renewal of a Broker-Dealer's Registration (rev. ~~44/96~~ 7/99).

Form S.D.4--Application for Renewal of Registration as an Agent of an Issuer (1997).

Form S.D.4.A--Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (1974).

Form S.D.4.B--Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (1974).

Form S.D.4.C--Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (1974).

Form BDW--Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer (rev. 4/89).

Rev. Form U-4--Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5--Uniform Termination Notice for Securities Industry Registration (11/97).

Investment Advisor and Investment Advisor Representative Forms

Form ADV--Uniform Application for Registration of Investment Advisors (rev. 7/97).

Agreement for Inspection of Records (rev. 7/98).

Surety Bond Form (~~1987~~ rev. 7/99).

Rev. Form U-4--Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-5--Uniform Termination Notice for Securities Industry Registration (11/97).

Form S.A.3--Affidavit for Waiver of Examination (rev. ~~44/96~~ 7/99).

Form S.A.14--Consent to Service of Process for Notice Filing as a Federal Covered Advisor (7/97).

Proposed Regulations

Form S.A.15--Investment Advisor Representative Multiple Employment Agreement (7/98).

Securities Registration Forms

Form U-1--Uniform Application to Register Securities (7/81).

Form U-2--Uniform Consent to Service of Process (7/81).

Form U-2a--Uniform Form of Corporate Resolution (~~7/84~~ rev. 7/99).

Form S.A.4--Registration by Notification--Original Issue (rev. 11/96).

Form S.A.5--Registration by Notification--Non-Issuer Distribution (rev. 11/96).

Form S.A.6--Registration by Notification--Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (1989).

Form S.A.8--Registration by Qualification (7/91).

Form S.A.10--Request for Refund Affidavit (Unit Investment Trust) (~~7/90~~ rev. 7/99).

Form S.A.12--Escrow Agreement (1971).

Form S.A.13--Impounding Agreement (~~7/58~~ rev. 7/99).

Form VA-1--Parts 1 and 2--Notice of Limited Offering of Securities (rev. 11/96).

Form NF--Uniform Investment Company Notice Filing (4/97).

21 VAC 5-100-10. Rule governing disclosure of confidential information.

A. This ~~rule~~ section governs the disclosure by the commission of information or documents obtained or prepared by any member, subordinate or employee of the commission in the course of any examination or investigation conducted pursuant to the provisions of the Securities Act (§ 13.1-501 et seq. of the Code of Virginia), ~~the Take Over Bid Disclosure Act (§ 13.1-528 et seq. of the Code of Virginia [Repealed.]), or the Retail Franchising Act (§ 13.1-557 et seq. of the Code of Virginia) (hereinafter "data").~~ It is designed to implement the provisions of §§ 13.1-518, ~~13.1-534 [Repealed.]~~ and 13.1-567 that permit disclosure of ~~such data information to governmental and quasi-governmental and governmental~~ entities approved by rule of the commission.

B. The Director ~~or the Deputy Director~~ of the Division of Securities and Retail Franchising ~~or his designee~~ is hereby authorized to disclose ~~data information~~ to the entities enumerated in subsections ~~F, G, and H, below~~ D, E and F of this section. *Disclosure shall be made only for the purpose of aiding in the detection or prevention of possible violations of law or to further administrative, legislative or judicial action resulting from possible violations of law. As a condition precedent to disclosure a writing shall be obtained from the receiving entity undertaking that it will exercise reasonable measures to preserve the confidential nature of the information.*

~~C. Disclosure of data shall be made only for the purpose of aiding in the detection or prevention of possible violations of law or to further administrative, legislative or judicial action resulting from possible violations of law.~~

~~D. As a condition precedent to disclosure of data, the Director or Deputy Director shall obtain in writing from the receiving entity an undertaking that it will exercise reasonable measures to preserve the confidential nature of the data.~~

E. C. Disclosure may be made only under the following circumstances:

1. In response to an entity's request for ~~data~~ information relating to a specific subject or person.
2. By disseminating to an entity ~~data~~ information which may indicate a possible violation of law within the administrative, regulatory or enforcement responsibility of that entity.
3. To participate in a centralized program or system designed to collect and maintain information pertaining to possible violations of securities, investment advisory, ~~take-over bid~~, retail franchising or related laws.
4. *To the extent necessary for participation in coordinated examinations or investigations.*

~~F. D. The Director or Deputy Director may disclose data under the conditions set forth in subsections C, D, and E, above, to the following are approved governmental entities (including any agencies, bureaus, commissions, divisions or successors thereof) of the United States:~~

1. Board of Governors of the Federal Reserve System or any Federal Reserve Bank.
2. Commodity Futures Trading Commission.
3. Congress of the United States, including either House, or any committee or subcommittee thereof.
4. Department of Defense.
5. Department of Housing & Urban Development.
6. Department of Justice.
7. Department of Treasury.
8. Federal Deposit Insurance Corporation.
9. ~~Federal Savings & Loan Insurance Corporation Office of Thrift Supervision.~~
10. Federal Trade Commission.
11. Postal Service.
12. Securities & Exchange Commission.
13. *Comptroller of the Currency.*
14. *Federal Bureau of Investigation.*
15. *Any other federal agency or instrumentality which demonstrates a need for access to confidential information.*

~~G. The Director or Deputy Director may disclose data under the conditions set forth in subsections C, D, and E, above, to E.~~ The following *are approved* nonfederal governmental entities:

1. The securities or retail franchising regulatory entity of any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, ~~including their state legislative bodies as well as their~~ *and* state and local law-enforcement entities involved in the detection, investigation or prosecution of violations of law.
2. The securities or retail franchising regulatory entity of any foreign country, whether such entity is on a national, provincial, regional, state or local level, ~~including the~~ *and* law-enforcement entities within such countries.

~~H. The Director or Deputy Director may disclose data under the conditions set forth in subsections C, D, and E, above, to F.~~ The following *are approved* quasi-governmental entities:

1. American Stock Exchange.
2. Chicago Board Options Exchange.
3. Midwest Stock Exchange.
4. Municipal Securities Rulemaking Board.
5. National Association of Attorneys General.
6. National Association of Securities Dealers, Inc.
7. New York Stock Exchange.
8. North American Securities Administrators Association, Inc.
9. Pacific Stock Exchange.
10. Philadelphia Stock Exchange.
11. Securities Investor Protection Corporation.

<p>NOTICE: The following forms used in administering 21 VAC 5-85-10, Forms--Securities Act, have been amended.</p>

S.A. 11
(Revised 1982 7/99)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
DIVISION OF SECURITIES AND RETAIL FRANCHISING

BROKER-DEALER'S SURETY BOND

_____ of _____ as principal, and
under the laws of the State of _____ a corporation organized and existing
the Commonwealth of Virginia, as Surety, are held and firmly bound unto the COMMONWEALTH
OF VIRGINIA in the penal sum of \$_____ for the payment of which, well and truly to be
made, we, and each of us, bind ourselves, our heirs, successors and assigns, jointly and severally,
firmly by these presents.

SIGNED, SEALED AND DATED this _____ day of _____, 19____.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

Whereas, the said Principal has applied to the State Corporation Commission of the
Commonwealth of Virginia for registration (or renewal of registration) as an broker-dealer pursuant
to the Securities Act (Chapter 5, Title 13.1, Code of Virginia (1950), as amended) and, in
accordance with §13.1-505 thereof, the State Corporation Commission has conditioned registration
(or renewal of registration) upon the Principal filing a surety bond;

Therefore, the conditions of this obligation are such that if the Principal, in connection with
his investment advisory business transacted in Virginia, discharges all obligations imposed on him as
an investment advisor registered under the Securities Act, accounts for all money and securities
coming into his hands for the use of his clients, fully performs all investment advisory contracts to
which he is a party, and satisfies all civil penalties provided in the Securities Act for which said
Principal may become liable, then this obligation shall be null and void; otherwise, to remain in full
force and effect.

Provided, this bond shall cover the acts of the Principal during the period of registration; and
in no event shall the Surety's aggregate liability hereunder for all losses exceed the penal sum of
\$_____.

Provided further, the Surety may be released from liability for future breaches of the
conditions of this bond only after thirty days have elapsed from the giving of written notice to the
Principal and to the State Corporation Commission of the Commonwealth of Virginia, of its desire to
be released.

(SEAL OF PRINCIPAL)

(Principal)

By _____
(If Principal is Partnership
or Corporation)

Title _____

(SEAL OF SURETY)

(Surety)

By _____
(Officer or Attorney-in-Fact)

Countersigned by _____

(Name of Agency)

(Resident Virginia Agent)

Date _____

SA 2
(Rev. 11/96 7/99)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
DIVISION OF SECURITIES AND RETAIL FRANCHISING

APPLICATION FOR RENEWAL OF A BROKER-DEALER'S REGISTRATION

1. Name of Applicant: _____
2. Principal Address of Applicant: _____
3. Attach the most current audited financial statements of the broker-dealer prepared and certified by an independent certified public accountant (if they have not been previously submitted). If the statements are not dated within 120 days of the filing of the application, financial statements attested to by an officer of the firm or the latest quarterly FOCUS report must also be submitted. The financial statements or FOCUS report must be dated within the 120 day period. The financial statements should include all reports, schedules and statements defined in 21 VAC 5-20-30 B 2.
4. During the last twelve months, has there been any change in the organization or policy of the applicant, including form of organization, officers, partners, managers, business address, changes which would cause affirmative answers to any part of question 10 of form BD, etc.? _____. If we have not had prior notification of such change(s), attach appropriate amended page(s) to form BD.
5. The application must be accompanied by a fee of \$200 payable to the Treasurer of Virginia. If the renewal is not granted, the fee is not refundable.

By _____ (Signature) _____
Date _____

COMMONWEALTH OF VIRGINIA

OF _____, to-wit: _____

_____, being first duly sworn, deposes
and says:

I have been authorized by the applicant to execute and file the foregoing application. I have read the application and exhibits filed with it, and the facts stated in the application and in the exhibits are true to the best of my knowledge, information and belief.

Subscribed and sworn to before me this

_____ day of _____, 19_____

Affiant

Notary Public

My commission expires: _____ (SEAL)

NOTE: NON-NASD MEMBER FIRMS SHOULD ALSO ATTACH TO THIS APPLICATION S.D.4.A AND, IF APPLICABLE, S.D.4.B AND S.D.4.C. A \$30 FEE FOR EACH AGENT LISTED ON FORM S.D.4.A AND A \$200 RENEWAL FEE FOR THE FIRM SHOULD BE INCORPORATED INTO ONE CHECK, PAYABLE TO THE TREASURER OF VIRGINIA.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
DIVISION OF SECURITIES AND RETAIL FRANCHISING

INVESTMENT ADVISOR'S SURETY BOND

_____ of _____ a corporation organized and existing under the laws of the State of _____, and authorized to write bonds in the Commonwealth of Virginia, as Surety, are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the penal sum of \$_____ for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED AND DATED this _____ day of _____, 19_____.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

Whereas, the said Principal has applied to the State Corporation Commission of the Commonwealth of Virginia for registration (or renewal of registration) as an investment advisor pursuant to the Securities Act (Chapter 5, Title 13.1, Code of Virginia (1950), as amended) and, in accordance with §13.1-505 thereof, the State Corporation Commission has conditioned registration (or renewal of registration) upon the Principal filing a surety bond;

Therefore, the conditions of this obligation are such that if the Principal, in connection with his investment advisory business transacted in Virginia, discharges all obligations imposed on him as an investment advisor registered under the Securities Act, accounts for all money and securities coming into his hands for the use of his clients, fully performs all investment advisory contracts to which he is a party, and satisfies all civil penalties provided in the Securities Act for which said Principal may become liable, then this obligation shall be null and void; otherwise, to remain in full force and effect.

Provided, this bond shall cover the acts of the Principal during the period of registration; and in no event shall the Surety's aggregate liability hereunder for all losses exceed the penal sum of \$_____.

Provided further, the Surety may be released from liability for future breaches of the conditions of this bond only after thirty days have elapsed from the giving of written notice to the Principal and to the State Corporation Commission of the Commonwealth of Virginia, of its desire to be released.

(SEAL OF PRINCIPAL)

(Principal)

By _____
(If Principal is Partnership
or Corporation)

Title _____

S.A.3
(Rev. 11/06 7/99)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
DIVISION OF SECURITIES AND RETAIL FRANCHISING

AFFIDAVIT FOR WAIVER OF EXAMINATION
Pursuant to 21 VAC 5-80-130 B

(Surety)

By _____
(Officer or Attorney-in-Fact)

Countersigned by

(Name of Agency)

(Resident Virginia Agent)

Date

State of _____
County/City of _____, to wit:

The undersigned, having been duly sworn, deposes and says:

1. My name is _____
2. My CRD number is _____
3. The name of the investment advisory with which I am, or will be connected is _____
4. The CRD number of this investment advisor is _____
5. I am, and have been for at least the five years immediately preceding the date on which my application for registration was filed, actively engaged in the investment advisory business.
6. I have been for at least the two years immediately preceding the date on which my application for registration was filed the president, chief executive, chairman of the board of directors, or managing partner, member, trustee or similar functionary, of an investment advisor actively engaged in the investment advisory business.
7. The investment advisor(s) referred to in subdivision 6, above, have, or had during my tenure as president, chief executive officer, chairman of the board of directors, or managing partner, member, trustee or similar functionary, at least forty million dollars under management.
8. I have read and am familiar with the investment advisor and investment advisor representative provisions of the Virginia Securities Act (§ 13.1-501 et seq. of the Code of Virginia) and provisions of 21 VAC 5-80-10 - 240 of this Commission's Securities Act Rules.
9. None of the questions in Item 22 (disciplinary history) on my Form U-4 have been, or need be, answered in the affirmative.

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 19____.

Signature of the Affiant

Signature of the Notary Public (SEAL)

My commission expires: _____

INSTRUCTIONS

This form must be filed with the Division of Securities and Retail Franchising. Form U-4 (or any amendment) and any required fee must be filed with the NASA/NASD Central Registration Depository system.

Form U-2a (7/84, 7/99)

UNIFORM FORM OF CORPORATE RESOLUTION OF

(NAME OF CORPORATION)

RESOLVED, that it is desirable and in the best interest of this Corporation that its securities be qualified or registered for sale in the various states; that the President or any Vice President and the Secretary or an Assistant Secretary hereby are authorized to determine the states in which appropriate action shall be taken to qualify or register for sale all or such part of the securities of this Corporation as said officers may deem advisable; that said officers are hereby authorized to perform on behalf of this Corporation any and all such acts as they may deem necessary or advisable in order to comply with the applicable laws of any such states, and in connection therewith to execute and file all requisite papers and documents, including, but not limited to, applications, reports, surety bonds, irrevocable consents and appointments of attorneys for service of process; and the execution by such officers of any such paper or document or the doing by them of any act in connection with the foregoing matters shall conclusively establish their authority therefore from this Corporation and the approval and ratification by this Corporation of the papers and documents so executed and the action so taken.

CERTIFICATE

The undersigned hereby certifies that he is the _____ Secretary of _____ a corporation organized the existing under the laws of the State of _____; that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors of said corporation held on the _____ day of _____, 19____, at which meeting a quorum was at all time present and acting; that the passage of said resolution was in all respects legal; and that the said resolution is in full force and effect.

Date this _____ day of _____, 1989 _____

S.A. 10 (7/90, 7/99)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
DIVISION OF SECURITIES AND RETAIL FRANCHISING

REQUEST FOR REFUND AFFIDAVIT
(Unit Investment Trust)

- State/Commonwealth of _____
County/City of _____, to wit:
- Name of Trust _____
 - Address _____
 - Name of Sponsor (if applicable) _____
Address _____
 - Contact Person _____
 - Telephone Number (____) _____
 - Virginia Effective Date of the Trust's Registration Statement _____
 - Date Sales Concluded in Virginia _____
 - Amount of Fee which Accompanied Registration Statement \$ _____
 - Aggregate Purchase Price of the Units Sold in Virginia \$ _____
 - Aggregate Number of Units Sold in Virginia Pursuant to the Offering _____
 - Amount of Fee Due Based on Actual Sales in Virginia
(amount of item 9 X 0.0005; \$400 minimum) _____
 - Amount of Refund Due (subtract item 11 from item 8; if result is less than \$25, no refund will be made) _____
 - Refund Check Should be sent to _____ Trust _____ Sponsor _____

Under penalty of perjury, I state that I have examined the foregoing information and that to the best of my knowledge, it is true, correct and complete.

Date _____, 19____ Name of Trust or Sponsor _____

By _____
Printed Name Signature of Person Authorized to Sign on Behalf of Trust or Sponsor

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 19____.

My Commission expires: _____
Notary Public
(SEAL)

Proposed Regulations

S.A. 13 (7/9/69 JZ9)

STATE CORPORATION COMMISSION DIVISION OF SECURITIES AND RETAIL FRANCHISING

IMPOUNDING AGREEMENT

As a condition of the registration by qualification of the securities described hereafter:

The undersigned issuer agrees that the proceeds from the sale of such securities shall be delivered in escrow to _____ as depository until at least _____ of such securities have been sold and paid for.

The undersigned depository accepts the duties hereby imposed on it and agrees to hold said proceeds in trust until authorized in writing by the Division of Securities and Retail Franchising of the State Corporation Commission to disburse them.

If less than _____ of said securities have been sold within _____ months of the date of this agreement, the proceeds in escrow are to be returned to the subscribers who have paid for the securities.

The undersigned broker-dealers and agents of the issuer agree to remit immediately to the depository all proceeds without deduction of any fees, commissions or expenses.

In Witness Whereof, this agreement has been executed as of the _____ day of _____ 199____ by the issuer, by the depository, by each broker-dealer offering the securities and by each agent of the issuer offering the securities.

ISSUER

Name of Issuer (Type or Print) _____
President, Other Appropriate Officer or General Partner and Title (Type or Print)

Signature of President, Other Appropriate Officer or General Partner

DEPOSITORY

Name of Virginia Depository _____
Bank Officer (Type or Print) and Title

Address of Virginia Depository (Type or Print) _____
Signature of Bank Officer

BROKER/AGENT

Virginia Broker-Dealer (Type or Print) _____
President or Other Appropriate Officer and Title (Type or Print)

Signature of President or Other Appropriate Officer

Virginia Broker-Dealer (Type or Print) _____
President or Other Appropriate Officer and Title (Type or Print)

Signature of President or Other Appropriate Officer

Agent of the Issuer (Type or Print) _____
Signature of Agent of the Issuer

SPECIAL INSTRUCTIONS

In order to substantiate that the terms of the impounding agreement have been complied with the following documentation together with a request for authorization to disburse funds must be submitted to the State Corporation Commission's Division of Securities and Retail Franchising. Upon receipt of Items 1 and 2 below, the written authorization to disburse funds will be processed:

1. An affidavit from the issuer (its president or other appropriate officer) that the requisite percentage of the offering has been sold and paid for.
2. An affidavit from the depository (its president or other appropriate officer) setting forth the total aggregate sum being held by the depository pursuant to the terms of the impounding agreement.

VA.R. Doc. No. R99-153; Filed April 20, 1999, 2:22 p.m.

Title of Regulation: 21 VAC 5-110-10 et seq. Retail Franchising Act Rules and Forms (SEC 990022) (amending 21 VAC 5-110-20, 21 VAC 5-110-30, 21 VAC 5-110-40, 21 VAC 5-110-50, 21 VAC 5-110-60 and 21 VAC 5-110-70; adding 21 VAC 5-110-85).

Statutory Authority: §§ 12.1-13 and 13.1-572 of the Code of Virginia.

Summary:

The Virginia State Corporation Commission is considering amendments to its Retail Franchising Act Rules and Forms. The purposes of the proposed amendments are to clarify the regulations, to improve their readability, and to make minor and technical changes. Areas of proposed changes are identification of SCC as a regulator, registration, fees, amendments to registrations, expiration, renewals, automatic effectiveness, service of process, and disclosure of information.

Agency Contact: Copies of the proposed amendments are available from the commission's Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, VA 23218-1197, (804) 371-9187, FAX (804) 371-9911 and can be downloaded from the commission's website at <http://www.state.va.us/division/srf>.

Comments and requests for a hearing must be sent in writing to State Corporation Commission, Document Control Center, P.O. Box 2118, Richmond, VA 23218-2118, FAX (804) 371-9654, should contain a conspicuous reference to Case No. SEC990022, and must be received by June 1, 1999. Interested persons who file comments and request a hearing, or who ask to be informed of any hearing, will be notified of the date, time and place of the hearing.

21 VAC 5-110-20. Preliminary statement.

Follow these rules for each item in franchise applications and disclosures in the UFOC.

The following rules shall be adhered to with respect to applications for registration, applications for renewal of registration, and amendments filed with the commission pursuant to Chapter 8 (§ 13.1-557 et seq.) of Title 13.1 of the Code of Virginia. *These applications shall be submitted to Virginia's state administrator: State Corporation Commission, Division of Securities and Retail Franchising, 1300 East Main Street, 9th Floor, Richmond, Virginia 23219.*

21 VAC 5-110-30. Original Registration application; documents to file.

A. An application for registration of a franchise is made by filing with the commission the following completed forms and other material:

1. Uniform Franchise Registration Application page (also known as "Facing Page"), Form A;
2. Supplemental Information page(s), Form B;

3. Certification page, Form C;

4. Uniform Consent to Service of Process, Form D;

5. If the applicant is a corporation or partnership, an authorizing resolution if the application is verified by a person other than applicant's officer or general partner;

6. Uniform Franchise Offering Circular;

7. Application fee (payable to the "Treasurer of Virginia"); and

8. Auditor's consent (or a photocopy of the consent) to the use of the latest audited financial statements in the offering circular.

B. Examples of Forms A through D are printed at the end of these rules.

21 VAC 5-110-40. Pre-effective and post-effective amendments to the registration.

Upon the occurrence of a material change, the franchisor shall amend the effective registration filed at the commission. An amendment to an application filed either before or after the effective date of registration ~~shall~~ may include only the pages containing the information being amended ~~if pagination is not disturbed~~. The information being amended shall be identified by item, shall be underscored in red or ~~identified~~ highlighted in some other appropriate manner, ~~and shall be verified by means of the prescribed certification page (Form C). Each amendment shall be accompanied by a facing page (Form A) on which the applicant shall indicate that the filing is an amendment. The required fee shall accompany all post-effective amendments unless submitted in connection with an application for renewal.~~

An application to amend a franchise registration is made by submitting the following completed forms and other material:

1. Uniform Franchise Registration Application page (also known as "Facing Page"), Form A;

2. Certification page, Form C;

3. One clean copy of the updated Uniform Franchise Offering Circular pages;

4. One copy of the amended Uniform Franchise Offering Circular pages underscored in red or highlighted in some other appropriate manner; and

5. Application fee (payable to the "Treasurer of Virginia"). The fee shall accompany all post-effective amendments unless submitted in connection with an application for renewal.

Examples of Forms A and C are printed at the end of these regulations.

21 VAC 5-110-50. Expiration; application to renew the registration.

A franchise registration expires at midnight on the annual date of the registration's effectiveness. An application to

Proposed Regulations

renew the franchise registration should be filed 30 days prior to the expiration date in order to prevent a lapse of registration under the Virginia statute. ~~The registrant shall file a renewal application by submitting a facing page (Form A) accompanied by a UFOC and the required fee. Alterations from the text of the UFOC previously filed as a part of registration shall be indicated by means of underscoring.~~

An application for renewal of a franchise registration is made by submitting the following completed forms and other material:

1. *Uniform Franchise Registration Application page (also known as "Facing Page"), Form A;*
2. *Certification page, Form C;*
3. *Updated Uniform Franchise Offering Circular;*
4. *One copy of the amended Uniform Franchise Offering Circular pages underscored in red or highlighted in some other appropriate manner; and*
5. *Application fee (payable to the "Treasurer of Virginia").*

Examples of Forms A and C are printed at the end of these regulations.

21 VAC 5-110-60. Automatic effectiveness (optional).

If the registrant desires, an application to amend or renew an effective registration which is accompanied by an executed Affidavit of Compliance on Form E and filed in accordance with 21 VAC 5-110-40 or 21 VAC 5-110-50 ~~above~~. The application shall become effective immediately upon receipt by the commission (or upon such later date as the applicant indicates in writing to the commission) unless one or more of the following is applicable:

1. *The franchisor has, since the effective date of its most recent application, been convicted of any crime or been held liable in any civil action by final judgment (if such crime or civil action involved a felony, an act of fraud, a misdemeanor involving a franchise, or a violation of the Virginia Retail Franchising Act).*
2. *The franchisor is insolvent or in danger of becoming insolvent, either in the sense that its liabilities exceed its assets (determined in accordance with "generally accepted accounting principles") or in the sense that it cannot meet its obligations as they mature.*
3. *The revised disclosure document submitted in connection with the application to amend/renew is not in compliance with the requirements of 21 VAC 5-100-80 ~~E, below~~.*

If the application does not qualify for automatic effectiveness, it shall become effective as of the date it is granted by the commission.

21 VAC 5-110-70. Consent to service of process.

If the franchisor is not a Virginia corporation ~~or~~, a foreign corporation or other entity authorized to transact business in the Commonwealth of Virginia, the franchisor shall execute the Consent to Service of Process on Form D designating the Clerk of the State Corporation Commission, 1300 East Main Street, First Floor, Richmond, VA 23219, as the agent authorized to receive service of process for the franchisor in Virginia. If the franchisor is a Virginia corporation ~~or~~, a foreign corporation or other entity authorized to transact business in the Commonwealth of Virginia, a Consent to Service of Process is not necessary under this section.

The Division of Securities and Retail Franchising does not ~~handle~~ administer the qualification of foreign corporations. Qualification of foreign corporations is handled by the Clerk of the State Corporation Commission (804) 371-9672, P.O. Box 1197, Richmond, VA 23218. Qualification must be completed prior to the filing of the application.

21 VAC 5-110-85. Disclosure of confidential information.

A. This section governs the disclosure by the commission of information or documents obtained or prepared by any member, subordinate or employee of the commission in the course of any examination or investigation conducted pursuant to the provisions of the Retail Franchising Act (§ 13.1-557 et seq. of the Code of Virginia). It is designed to implement the provisions of § 13.1-567 that permit disclosure of information to governmental and quasi-governmental entities approved by rule of the commission.

B. The Director of the Division of Securities and Retail Franchising or his designee is hereby authorized to disclose information to the entities enumerated in subsections D, E and F of this section. Disclosure shall be made only for the purpose of aiding in the detection or prevention of possible violations of law or to further administrative, legislative or judicial action resulting from possible violations of law. As a condition precedent to disclosure a writing shall be obtained from the receiving entity undertaking that it will exercise reasonable measures to preserve the confidential nature of the information.

C. Disclosure may be made only under the following circumstances:

1. *In response to an entity's request for information relating to a specific subject or person.*
2. *By disseminating to an entity information which may indicate a possible violation of law within the administrative, regulatory or enforcement responsibility of that entity.*
3. *To participate in a centralized program or system designed to collect and maintain information pertaining to possible violations of securities, investment advisory, retail franchising or related laws.*
4. *To the extent necessary for participation in coordinated examinations or investigations.*

D. The following are approved governmental entities (including any agencies, bureaus, commissions, divisions or successors thereof) of the United States:

1. Board of Governors of the Federal Reserve System or any Federal Reserve Bank.
2. Commodity Futures Trading Commission.
3. Congress of the United States, including either House, or any committee or subcommittee thereof.
4. Department of Defense.
5. Department of Housing and Urban Development.
6. Department of Justice.
7. Department of Treasury.
8. Federal Deposit Insurance Corporation.
9. Office of Thrift Supervision.
10. Federal Trade Commission.
11. Postal Service.
12. Securities and Exchange Commission.
13. Comptroller of the Currency.
14. Federal Bureau of Investigation.
15. Any other federal agency or instrumentality which demonstrates a need for access to confidential information.

E. The following are approved nonfederal governmental entities:

1. The securities or retail franchising regulatory entity of any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, state legislative bodies and state and local law-enforcement entities involved in the detection, investigation or prosecution of violations of law.
2. The securities or retail franchising regulatory entity of any foreign country, whether such entity is on a national, provincial, regional, state or local level, and law-enforcement entities within such countries.

F. The following are approved quasi-governmental entities:

1. American Stock Exchange.
2. Chicago Board Options Exchange.
3. Midwest Stock Exchange.
4. Municipal Securities Rulemaking Board.
5. National Association of Attorneys General.
6. National Association of Securities Dealers, Inc.
7. New York Stock Exchange.

8. North American Securities Administrators Association, Inc.

9. Pacific Stock Exchange.

10. Philadelphia Stock Exchange.

11. Securities Investor Protection Corporation.

12. National White Collar Crime Center.

13. National Association of Securities Dealers Regulation, Inc.

14. Any other quasi-governmental entity which demonstrates a need for access to confidential information.

~~COMMENTARY DATED JUNE 21, 1994 ON THE UNIFORM FRANCHISE OFFERING CIRCULAR.~~

~~INTRODUCTION~~

~~On April 25, 1993, the North American Securities Administrators Association ("NASAA") adopted amendments to the Uniform Franchise Offering Circular ("new UFOC"). Adoption followed several years of work by the NASAA Franchise and Business Opportunities Committee ("NASAA Committee").~~

~~After adoption of the new UFOC, members of the Franchise Advisory Committee ("Advisory Committee") and other interested parties brought to the NASAA Committee's attention certain issues under the new UFOC where they believed additional interpretation and clarification would be helpful.~~

~~In response to the concerns of the Advisory Committee, which consulted with the NASAA Committee during the process of drafting the new UFOC, the NASAA Committee agreed that a "Commentary" to the new UFOC would be valuable to franchisors drafting offering circulars pursuant to the new UFOC and to franchise examiners and enforcement agencies reviewing offering circulars. The Commentary is not intended to change any substantive requirements of the new UFOC and, therefore, does not require formal approval by NASAA or by the Federal Trade Commission.~~

~~The NASAA Committee and the Advisory Committee met in Richmond, Virginia in January of 1994 to discuss these interpretational concerns. This Commentary is a result of the Richmond meeting and additional discussions and drafting since the meeting. The Commentary is intended to clarify and provide interpretations of specific provisions of the new UFOC. The issues covered by the Commentary are presented in a question and answer format.~~

~~Issue #1—Instruction 265—Phase In~~

~~The new UFOC is effective 6 months after the last franchise regulatory state (or the FTC) approves it, but no later than January 1, 1995. Can a franchisor begin using the new format in a state which has approved the new UFOC (and after FTC approval) but before the national effective date?~~

~~Answer~~

Proposed Regulations

~~A circular prepared in accordance with the new UFOC may be used in a state after that state and the FTC have approved the new format. (FTC approval was given on December 30, 1993.) Thus, after state and FTC approval, either a new or old format circular may be used in that state. After the national effective date, only a new UFOC may be used in connection with an initial filing or renewal.~~

~~Issue #2 - Instruction 265 - Amendments~~

~~If a franchisor files an amendment (for example, to change personnel in Item 2 or add litigation in Item 3) after the national effective date but before its next renewal date, is it required to change over the entire UFOC to the new format at that time?~~

~~Answer~~

~~An amendment filing is not required to be on the new format until after the franchisor submits a new UFOC in its first renewal (or annual report) after the national effective date (however, see FTC Staff Advisory Opinion 94-1 CCH Business Franchise Guide 6457).~~

~~It may be advisable, but is not required, for a franchisor to amend its registration before the national effective date to change over to the new UFOC (to avoid potential delays in review and approval during 1995). Because of the nature of this type of amendment filing (that is, an amendment only for the purpose of changing over to the new UFOC), a franchisor should not have to stop offering franchises during the review period.~~

~~Issue #3 - Instruction 265 - "Re-Registration"~~

~~The word "re-registration" appears in Instruction 265. What does it mean?~~

~~Answer~~

~~The word "re-registration" was intended to cover a franchisor who had been registered in the past but whose registrations have since lapsed and now is filing to become registered again.~~

~~Issue #4 - Instruction 265 - Phase-In for Non-Registration States~~

~~If a franchisor has not registered its offering in any state, when is it required to convert to the new UFOC?~~

~~Answer~~

~~The FTC phase-in requirements will apply.~~

~~Issue #5 - Item 1 - "Predecessor"~~

~~Is the definition of "predecessor" in instruction iii of Item 1 applicable to Item 1 only or is it applicable throughout the UFOC, for example, to the use of "predecessor" in Items 3 and 4?~~

~~Answer~~

~~The definition of predecessor in instruction iii to Item 1 should be applied throughout the UFOC.~~

~~Issue #6 - Item 1 - Predecessor Disclosure Period~~

~~Is the ten year period regarding predecessor disclosure in instruction iv to Item 1 applicable to Item 1 only or is it also applicable to predecessor information in Items 3 and 4?~~

~~Answer~~

~~The ten year period referred to instruction iv of Item 1 is also applicable to predecessor disclosure in Items 3 and 4.~~

~~Issue #7 - Item 1 - "Affiliate"~~

~~What definition of "affiliate" should be used in the new UFOC?~~

~~Answer~~

~~As a general rule in the new UFOC, an "affiliate" is "a person (other than a natural person) controlled by, controlling or under common control with the franchisor". This definition applies to all Items unless a particular Item defines it differently or limits its use. For example, Item 1, instruction v, limits the general definition to an affiliate "which is offering franchises in any line of business or is providing products or services to the franchisees of the franchisor". Also, Item 3, instruction i, limits the general definition to an affiliate "offering franchises under the franchisor's principal trademarks".~~

~~Issue #8 - Item 1 - Government Regulations~~

~~Item 1E, instruction vi, refers to "regulations specific to the industry in which the franchise business operates." How broadly does this extend? How much detail is required about these regulations? For example, a restaurant franchisor might refer to food service health and sanitation codes since those are industry-focused. Child labor laws, while not industry-specific, impact on the fast food business. Should they be mentioned and, if so, what about other general laws that have a significant impact on a particular type of business format?~~

~~Answer~~

~~The instruction states that it is unnecessary to refer to laws that "apply to businesses generally". A fast food franchisor, therefore, would not be required to refer to child labor laws or other general categories of laws even if those laws have a substantial or disproportionate impact on the business being franchised. In addition, generally applicable regulations such as local signage restrictions, no fault liability insurance requirements, business licensing laws (as opposed to professional licensing laws), tax regulations and labor laws need not be disclosed. Only laws that pertain solely and directly to the industry sector of which the franchised business is a part must be disclosed in this Item. Examples include:~~

~~A real estate brokerage franchisor should disclose that broker licensing laws will apply to the franchisee.~~

~~An optical products franchisor should disclose the existence of applicable optometrist/optician staffing regulations and licensing requirements.~~

~~A lawn care franchisor should disclose that certain laws regulating pesticide application to residential lawns will require that franchisees post notices on treated lawns.~~

~~In any case where industry specific laws are disclosed, statutory citation and identification are unnecessary; the disclosure should state that a specific type of regulation exists and that the prospective franchisee should investigate the matter further.~~

~~Issue #9 - Item 3 - Confidential Settlements~~

~~Under the old UFOC, franchisors were not required to disclose the terms of confidential settlements. Are the terms of confidential settlements required to be disclosed under the new UFOC?~~

~~Answer~~

~~If a settlement agreement must be disclosed under Item 3B of the new UFOC, all material settlement terms must be disclosed, whether or not the agreement is confidential. However, because of difficulties in retrieving information and/or obtaining releases from confidentiality agreements, for confidential settlements entered into before April 25, 1993 (the date of NASAA's approval of the new UFOC), a franchisor may disclose only the information required under the old UFOC.~~

~~Issue #10 - Item 3 - Dismissals~~

~~Based on the last sentence of section ii of Item 3, Definitions, may actions which are dismissed in the context of a settlement be omitted from Item 3?~~

~~Answer~~

~~The last sentence of section ii of Item 3, Definitions, allows the omission of an action which is dismissed as a result of a concluded adversarial proceeding, but is not intended to cover dismissal of an action in connection with a settlement. The standards for determining whether a settlement must be disclosed (or may be omitted) are described in section iv of Item 3, Definitions.~~

~~Issue #11 - Item 3 - Other Material Actions~~

~~Are only actions of the types enumerated in Item 3 required to be disclosed?~~

~~Answer~~

~~The requirement that a franchisor disclose actions which include allegations of violations of franchise, antitrust or securities law, or fraud, unfair or deceptive practices, or comparable allegations should not be narrowly construed in drafting disclosure for Item 3. Most franchise laws generally prohibit, among other things, omissions of material fact. The courts have generally interpreted "material facts" or "materiality" to include~~

~~information which a reasonable investor would deem to be significant when making an investment decision. Franchisors should not limit disclosure solely to those items enumerated in Item 3 if a materiality analysis requires disclosure of an action.~~

~~Issue #12 - Item 3 - Foreign Litigation~~

~~Are franchisors required to disclose foreign (outside the United States) actions in Item 3 of the UFOC?~~

~~Answer~~

~~Item 3 is not limited to disclosure of actions which have been filed in the United States. Franchisors must disclose all material litigation, even if the actions are in a foreign court or arbitration forum.~~

~~Issue #13 - Item 4 - Bankruptcy~~

~~Item 4 requires disclosure of bankruptcy information about "officers." Does this include everyone listed in Item 2?~~

~~Answer~~

~~Only "officers" are required to make bankruptcy disclosures in Item 4, not every person listed in Item 2. "Officers" includes those individuals whose duties include some or all of the duties typically performed by the chief executive and chief operating, financial, franchise marketing, training and service officers. It also includes "de facto" officers, those individuals who have management responsibility in connection with the operation of the franchisor's business relating to the franchises offered by the offering circular but whose title does not reflect the nature of the position. A member of the Board of Directors who is not also an officer (as described above) is not covered by this disclosure.~~

~~Issue #14 - Item 5 - Initial Fees Paid to Affiliates~~

~~If the franchisee makes any payments to affiliates of the franchisor before the franchisee's business opens, must this be disclosed as an "initial fee"?~~

~~Answer~~

~~"Initial fees" includes all fees and payments received by the franchisor and its affiliates before the franchisee's business opens.~~

~~Issue #15 - Item 7 - Initial Phase~~

~~The new UFOC requires disclosure of certain information during the "initial phase" of operation of the franchised business and indicates that it is ordinarily 3 months. Is the initial phase always 3 months? Or must a franchisor use a longer period if that is typical in its industry? Also, does the "initial phase" requirement apply to any line item in Item 7 other than "additional funds"?~~

~~Answer~~

~~A franchisor may use either a 3 month initial phase, or an initial phase longer than 3 months if the length of time is a "reasonable period for the industry" and if earnings claims problems can be avoided (for example,~~

Proposed Regulations

by complying with Item 19). Only the additional funds line item is covered by the "initial phase" requirement, but it may also be appropriate in some cases to disclose real estate costs during the initial phase. In addition, fees paid to the franchisor during the initial phase may be disclosed, so long as earnings claims problems can be avoided (for example, by complying with Item 19). All other expenditures, such as for inventory, should only be stated through the franchise opening date.

Issue #16 - Item 8 - Scope

A variety of terminology is used throughout Item 8 to refer to a wide range of sourcing restrictions. For example, although the requirements refer to all sourcing restrictions, reference is made in Instruction iii to "required purchases" and in Instruction vii to "designated" suppliers. What is the scope of Item 8?

Answer

Item 8 requires disclosure of all restrictions on the freedom of the franchisee to obtain goods, real estate, services, etc. from sources of the franchisee's choosing, and of all means by which a franchisor may derive revenue as a result of franchisee purchases or leases of goods and services. As a result, for example, Instruction iii encompasses all revenues a franchisor (or its affiliates) derives from purchases and leases of products and services to franchisees. Also, Instruction vii requires the disclosure of all rebates paid by designated suppliers, approved suppliers and suppliers whose goods and services meet specifications.

Issue #17 - Item 8 - Rebates for Advertising

If a supplier makes payments to an advertising fund or advertising co-op, must this be reported?

Answer

If the payments are made to an independent advertising co-op, disclosure is not required. Payments to an advertising fund directly or indirectly controlled by the franchisor must be reported.

Issue #18 - Item 8 - Rebates from Other Parties

If the supplier of goods to franchisees is a distributor who buys from a manufacturer and the manufacturer pays rebates to the franchisor, must this be disclosed?

Answer

Rebates paid by all third parties involved in the product distribution process must be disclosed.

Issue #19 - Item 8 - Rebates to Affiliates

If rebates are paid by suppliers to an affiliate of the franchisor, must these rebates be disclosed?

Answer

Rebates paid by suppliers to the franchisor's affiliates must be disclosed.

Issue #20 - Item 8 - Rebates - Identity of Suppliers

Although the sample answer identifies suppliers who pay rebates, the instruction does not require such identification. Must the franchisor identify by name suppliers who pay rebates?

Answer

Franchisors are not required to identify by name any suppliers who pay rebates.

Issue #21 - Item 8 - Product Discounts

Instruction vii indicates that a franchisor who pays less than its franchisees for products bought from a common source has received a "payment" from a supplier. Is this intended to encompass every situation where a franchisor pays less than a franchisee?

Answer

If a franchisor receives a "special deal" on the purchase of products that a vendor also supplies to franchisees, this constitutes a "payment" to the franchisor for purposes of this disclosure. It is not a payment, however, if a franchisor takes advantage of a volume discount or other program which the supplier makes available to all other buyers, including franchisees.

Issue #22 - Item 8 - Rebate Reporting

Can a franchisor choose to report either the dollar amount of the rebates or the percentage paid on purchases by franchisees?

Answer

A franchisor can choose to report rebates in either of 2 formats: the actual dollar amounts paid or the percentage rebate based on franchisee purchases. Thus, if a number of suppliers pay rebates and a franchisor chooses the latter reporting method, its circular might state that it received rebates from suppliers ranging from 1% to 5% of the amount of purchases by franchisees from such suppliers.

Issue #23 - Item 8 - Cooperatives

Must cooperatives be identified under Item 8F?

Answer

If a franchisee is required to participate in a purchasing or distribution cooperative, it must be identified. If participation is voluntary, it need not be identified but the franchisor must disclose that one or more cooperatives exist.

Issue #24 - Item 11 - Advertising

A franchisor must account for its use of monies in the advertising fund by providing a disclosure which allocates dollars to production, media costs, administrative expenses and other. If franchisor personnel are involved in production activities, can such expenses be allocated to production rather than administration?

Answer

A franchisor's internal costs associated with production of advertising materials may properly be characterized as production expenses. However, the franchisor must have a reasonable basis for claiming the allocation at the time the disclosure is made.

Issue #25 - Item 11 - Operating Manuals

Can the table of contents (which may be lengthy if there are multiple manuals) be disclosed in an exhibit rather than in the body of text to Item 11? Also, can a franchisor require that a franchisee sign a confidentiality agreement in connection with the "viewing" of a manual? If so, must the confidentiality agreement be attached as an exhibit to the UFOC and do the FTC waiting periods apply?

Answer

Tables of contents can be incorporated as an exhibit to the UFOC. A confidentiality agreement must be disclosed in the UFOC and the franchisor cannot require that it be signed until 10 business days have elapsed from delivery of the offering circular and 5 business days have elapsed from delivery of the execution copy of the confidentiality agreement.

Issue #26 - Item 15 - Agreements by Owners

Does Item 15 require the disclosure of all agreements that apply to the franchisee's owners?

Answer

All agreements relating to the franchise that are binding on the franchisee's owners must be disclosed in this Item.

Issue #27 - Item 20 - Subfranchise/Area Development Statistics

Does Item 20 require disclosure of data regarding area development, master franchise, subfranchise and similar arrangements in addition to unit/outlet franchise statistics?

Answer

All area development, master franchise, subfranchise or similar arrangements must be disclosed in Item 20 of the franchisor's offering circular. If there are only a few arrangements like this in a system, the disclosure may be provided in the text or in a subordinate table rather than in the main chart. Whatever format is used, it must include all of the information which would be required in the chart.

Issue #28 - Item 20 - System Statistics in Subfranchisor Offering Circulars

In an offering circular prepared by a subfranchisor in a particular region, must its Item 20 also reflect national statistics for the franchisor in addition to the statistics from the subfranchisor's region?

Answer

In the example, Item 20 must contain 2 sets of charts: one set for statistics from the subfranchisor's region and

one set reflecting national data for the franchise being offered by the franchisor and other subfranchisors.

Issue #29 - Item 20 - Former Franchisees

Item 20E requires a list of home addresses and phone numbers of former franchisees. Can a franchisor answer this to the best of its knowledge? If the former franchisee is a corporation, is the corporate headquarters a home address?

Answer

A franchisor must disclose the last known home address of a former franchisee. Where the former franchisee is a corporation, the franchisor must disclose either the business address of the corporation or the address of a principal officer of the corporation.

CONCLUSION

This Commentary is intended to be a living document which provides interpretative assistance to all members of the franchise community and regulatory authorities. As the need arises at reasonable intervals in the future, the NASAA Committee may consider additions, deletions and amendments to the Commentary.

The NASAA Committee acknowledges the assistance of many segments of the franchise community for their contributions to this Commentary and, in particular, its Advisory Committee, whose current members are as follows:

Dennis Wieczorek, Chair	Mark Hamer
Rupert Barkoff	H. Bret Lowell
Anita Blair	George Rummel
Patrick Carter	Andrew Selden
James Conohan	Neil Simon
Mark Forsoth	Leonard Swartz
Eileen Harrington (Federal Trade Commission) ex officio	

The Advisory Committee provided substantial assistance in the drafting of the new UFOC and has helped to educate the franchise community and ease the transition to the new format. The Commentary is a product of the cooperative efforts of the NASAA Committee and the Advisory Committee, and we look forward to increased cooperation in the future.

NASAA Franchise and Business Opportunities Committee

Steve Maxey, Chair (Virginia)
Della Burke (Maryland)
Martin Cordell (Washington)
Patricia Struck (Wisconsin)
Jim Turner (Alberta)
Jocelyn Whittey (North Dakota)

NOTICE: The forms used in administering 21 VAC 5-110-10 et seq., Retail Franchising Act Rules and Forms, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Proposed Regulations

FORMS

FORM A - "Facing Page" -- Uniform Franchise Registration Application (eff. 7/1/95).

FORM B - Supplemental Information (eff. 7/1/95).

FORM C - Certification (~~eff. 7/1/95~~ rev. 7/99).

FORM D - Uniform Consent to Service of Process (~~eff. 7/1/95~~ rev. 7/99).

FORM E - Affidavit of Compliance -- Franchise Amendment/Renewal (~~eff. 7/1/95~~ rev. 7/99).

FORM F - Guarantee of Performance (~~eff. 7/1/95~~ rev. 7/99).

FORM G - Franchisor's Surety Bond (~~eff. 7/1/95~~ rev. 7/99).

Form C - Certification
7/1/95 7/99

I certify under penalty of law that I have read and know the contents of this application and the documents attached as exhibits and incorporated by reference and that the statements in all these documents are true and correct.

Executed at _____, 19____
(Signature(s) of Franchisor and/or Subfranchisor)

By _____
Title _____
(Seal)

STATE OF _____
COUNTY OF _____

Personally appeared before me this _____ day of _____, 19____ and the above-named _____ to me known to be the person(s) who executed the foregoing application (as _____ and _____ respectively, of the above-named applicant) and (each), being first duly sworn, stated upon oath that said application, and all exhibits submitted herewith, are true and correct.

(Notary)

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, 19____, before me _____ (Name of Notary) the undersigned officer, personally appeared _____ and _____ known personally to me to be the _____ President and _____ Secretary, respectively, of the above-named corporation, and that they, as such officers, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers.
IN WITNESS WHEREOF I have hereunto set my hand and official seal.

(Notary Public)

(NOTARIAL SEAL) My commission expires: _____

INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, 19____, before me _____, the undersigned officer, personally appeared _____ to me personally known and known to me to be the same person(s) whose name(s) is (are) signed to the foregoing instrument, and acknowledged the execution thereof for the uses and purposes therein set forth.
IN WITNESS WHEREOF I have hereunto set my hand and official seal.

(Notary Public)

(NOTARIAL SEAL) My commission expires: _____

FORM E
Rev. 11/96 7/99

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
Division of Securities and Retail Franchising

Affidavit of Compliance – Franchise Amendment/Renewal

STATE OF _____) ss:
COUNTY OF _____)

_____, being duly sworn, deposes and says:

1. This affidavit is submitted in connection with an application to amend/renew the effective franchise registration of _____ in accordance with 21 VAC 5-110-40 or 21 VAC 5-110-50. (Name of Franchisor/Subfranchisor)
2. To the best of my knowledge, the franchisor/subfranchisor on whose behalf the application to amend/renew is made:
 - a. Has not, since the effective date of its most recent application, been convicted of any crime or been held liable in a civil action by final judgment involving a felony, an act of fraud, a misdemeanor involving a franchise, or a knowing or willful violation of the Virginia Retail Franchising Act; and
 - b. Is not insolvent or in danger of becoming insolvent, either in the sense that its liabilities exceed its assets (determined in accordance with Generally Accepted Accounting Principles) or in the sense that it cannot meet its obligations as they mature.
3. The revised franchise disclosure document submitted in connection with the application to amend/renew is, to the best of my knowledge, in compliance with the requirements of 21 VAC 5-110-80 and 21 VAC 5-110-90.

Executed at _____, 19____.

Name of Franchisor/Subfranchisor _____
By: _____ (SEAL)
Title: _____

Select Amendment Effective Date _____
Select Renewal Effective Date _____
Immediately Upon Request _____
Immediately Upon Receipt _____ 19____

Note: When a renewal application includes amendments, a selection should be made for both the amendments and the renewal. If no selection is made, the effectiveness will be immediately upon receipt by the Commission.

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 19____.

My Commission Expires: _____ (NOTARY'S SEAL)
(NOTARY PUBLIC)

Form D
7/4/95 7/99

UNIFORM CONSENT TO SERVICE OF PROCESS

of _____, (a partnership) (an individual) _____ (regulatory authority) _____, (a corporation organized under the laws of the State of _____) irrevocably appoints the _____, its attorney in the State of _____ for service of notice, process and the successors in office, its attorney in the State of _____, and consents that an action or proceeding against it or pleading in an action or proceeding against it arising out of or in connection with the sale of franchises, or a violation of the franchise laws of _____, and consents that an action or proceeding against it may be commenced in a court of competent jurisdiction and proper venue within _____ by service of process upon this officer with the same effect as if the undersigned was organized or created under the laws of _____ and had lawfully been served with process in _____. It is requested that a copy of any notice, process or pleading served this consent be mailed to:

(Name and address)

Dated: _____, 19____.

By _____
Title _____

(SEAL) By _____
Title _____

FORM G
7/4/95 7/99

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
DIVISION OF SECURITIES AND RETAIL FRANCHISING
FRANCHISOR'S SURETY BOND

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the State Corporation Commission has required _____ to furnish a surety bond as a condition of registration (or renewal of registration) of its franchise as defined in Title 13.1, Chapter 8, Code of Virginia (1950), as amended, and conditioned as provided by law.

NOW, THEREFORE, _____, as surety, acknowledge themselves indebted and firmly bound unto the COMMONWEALTH OF VIRGINIA in the penal sum of _____ thousand dollars to the payment of, which will and truly be made, they jointly and severally bind themselves, their successors and assigns, firmly by these presents.

THE CONDITIONS of this obligation are such that if the principal satisfies all criminal and civil penalties, or either, provided in Title 13.1, Chapter 8, Code of Virginia (1950), as amended, for which said principal may become liable, then this obligation shall be null and void; otherwise to be and remain in full force and effect.

IT IS AGREED that this obligation is to remain in force until cancelled by the surety by thirty days written notice to the principal and the State Corporation Commission.

WITNESS the following signatures and seals this _____ day of _____, 19 _____.

(SEAL)
Principal

(SEAL)
Surety

by Attorney-in-fact

Countersigned:

Name of Agency

by: _____
Registered Virginia Agent

Form F
7/4/95 7/99

GUARANTEE OF PERFORMANCE

For value received _____, absolutely and located at _____, unconditionally guarantees the performance by _____ (Address) located at _____ of all of the obligations of its franchise registration in the State of _____ dated _____ under _____ (Name of state or province) and of its Franchise Agreement.

(Effective date of renewal) _____
This guarantee continues until all obligations of _____ under the franchise registration and franchise agreement are satisfied. _____ is not discharged from liability if a claim by the franchisee against _____ remains outstanding. Notice of acceptance is waived. Notice of default on the part of _____ is not waived. This guarantee is binding on _____ and on its successors and assignees.

(Affiliate) _____ on the _____ day of _____, 19 _____ executes this guarantee at _____

(Affiliate)

By: _____

Title: _____

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The following regulation is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **School Health Services.**

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-229.1).

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Date: June 9, 1999.

Summary:

This action conforms DMAS' state plan language for school health services to federal mandates regarding the Medicaid-eligible child's freedom of choice of provider, the length of time after the completion of the Individual Education Plan to initiation of indicated services, and exceptions to these time limitations for extenuating circumstances.

Agency Contact: Copies of the regulation may be obtained from Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8850.

12 VAC 30-50-229.1. School health services.

A. School health services shall be defined as those therapy and nursing services rendered by school divisions which are enrolled with DMAS to serve children who qualify to receive special education services as described under Part B of the federal Individuals with Disabilities Education Act, as amended (20 USC § 1400 et seq.). *Children qualifying for special education services pursuant to Part B of the federal Individuals with Disabilities Education Act, as amended, shall not be restricted in their choice of enrolled providers of medical care services as described in the State Plan for Medical Assistance.*

B. Physical therapy and related services.

1. The services covered under this subsection shall include physical therapy, occupational therapy, and speech/language pathology services. All of the requirements of 12 VAC 30-50-200 *and 42 CFR 441.110* applicable to these services shall continue to apply with regard to, but not necessarily limited to, necessary authorizations, documentation requirements, provider qualifications, and service limitations.

2. Consultation by physical therapy, occupational therapy, or speech pathology providers in meetings for the development, evaluation, or reevaluation of the Individualized Education Program (IEP) for specific children shall be covered when the IEP with the physical therapy, occupational therapy, or speech pathology services is implemented ~~within one year following the IEP meeting consultation~~ *(based on the date of services billed to DMAS) as soon as possible after the IEP meeting, not to exceed 60 days, except where there are extenuating circumstances.* This consultation is to be billed to DMAS no earlier than the date such services are implemented. No more than two consultations may be billed for each child annually. This annual limitation includes consultations billed to DMAS attended by either registered nurses or licensed practical nurses. *If an IEP eligibility meeting is billed to DMAS, then the subsequent IEP plan meeting must also be billed for any DMAS reimbursement to occur.*

3. *Extenuating circumstances are recognized regarding the coverage of the IEP consultation when the physical therapy, occupational therapy, or speech pathology services cannot be implemented as soon as possible following the effective date of the IEP. Such extenuating circumstances may include, but shall not be limited to, arrangements for transportation, hospitalization of the child, or summer or vacation periods. DMAS or its contractor must approve other extenuating circumstances.*

C. Skilled nursing services.

1. These must be medically necessary *skilled* nursing services which are required by a child in order to benefit from an educational program, as described under Part B of the federal Individuals with Disabilities Education Act, as amended (20 USC § 1400 et seq.). These services shall be limited to a maximum of six units a day of medically necessary services. Services not deemed to be medically necessary, upon utilization review, shall not be covered. A unit, for the purposes of this school-based health service, shall be defined as 15 minutes of medical care.

2. These services must be performed by a Virginia-licensed registered nurse (RN), or licensed practical nurse (LPN) under the supervision of a licensed RN. The service provider shall be either employed by the school division or under contract to the school division. The skilled nursing services shall be rendered in accordance with the licensing standards and criteria of the Virginia Board of Nursing. Supervision of LPNs shall be provided consistent with the regulatory standards of the Board of Nursing at 18 VAC 90-20-270.

3. Consultation by skilled nursing providers in meetings for the development, evaluation, or reevaluation of the IEP for specific children shall be covered when the IEP with the skilled nursing services are implemented ~~within one year following the IEP meeting consultation~~ (based on the dates of services billed to DMAS) as soon as possible after the IEP meeting, not to exceed 60 days, except where there are extenuating circumstances. This consultation is to be billed to DMAS no earlier than the date such services are implemented. No more than two consultations may be billed for each child annually. This annual limitation includes consultations billed to DMAS attended by physical therapists, occupational therapists, and speech therapists. If an IEP eligibility meeting is billed to DMAS, then the subsequent IEP plan meeting must also be billed for any DMAS reimbursement to occur.

4. *Extenuating circumstances are recognized regarding the coverage of the IEP consultation when the skilled nursing services cannot be implemented as soon as possible following the effective date of the IEP. Such extenuating circumstances may include, but shall not be limited to, arrangements for transportation, hospitalization of the child, or summer or vacation periods. DMAS or its contractor must approve other extenuating circumstances.*

4. 5. The services shall be of a level of complexity and sophistication which are consistent with skilled nursing services. These skilled nursing services shall include, but not necessarily be limited to, dressing changes, maintaining patent airways, and urinary catheterizations.

~~5. 6. Skilled nursing services shall be directly and specifically related to an active, written plan of care, which has been established, signed and dated, and periodically reviewed by a physician or nurse practitioner, after any needed consultation with skilled nursing staff is based on a physician's or nurse practitioner's written order for skilled nursing services. The registered nurse shall establish, sign, and date the plan of care. The plan of care shall be periodically reviewed by a physician or nurse practitioner after any needed consultation with skilled nursing staff. The services shall be specific and provide effective treatment for the child's condition in accordance with accepted standards of medical skilled nursing practice. The plan of care is further described in subdivision 6 7 of this subsection. Skilled nursing services rendered which exceed the physician's or nurse practitioner's written~~

order for skilled nursing services shall not be reimbursed by DMAS. A copy of the plan of care shall be given to the child's Medicaid primary care provider.

~~6. 7. Documentation of services shall include a written plan of care which identifies the medical condition or conditions to be addressed by skilled nursing services, goals for skilled nursing services, time tables for accomplishing such stated goals, actual skilled nursing services to be delivered and whether the services will be delivered by an RN or LPN. Services which have been delivered and for which reimbursement from Medicaid is to be claimed must be supported with like documentation. Documentation of school-based skilled nursing services shall include the dates and times of services entered by the responsible licensed nurse; the actual nursing services rendered; the identification of the child on each page of the medical record; the current diagnosis and elements of the history and exam which form the basis of the diagnosis; any prescribed drugs which are part of the treatment including the quantities and dosage; and notes to indicate progress made by the child, changes to the diagnosis, or treatment and response to treatment. The plan of care is to be part of the child's medical record. Actions related to the skilled nursing services such as notifying parents, calling the physician, or notifying emergency medical services shall also be documented. All documentation shall be signed and dated by the person performing the service. The documentation shall be written immediately, or as soon thereafter as possible, after the procedure or treatment was implemented with the date and time specified, unless otherwise instructed in writing by Medicaid. Documentation is further described in the Medicaid school services manual. Skilled nursing services documentation shall otherwise be in accordance with the Virginia Board of Nursing, Department of Health, and Department of Education statutes, regulations, and standards relating to school health. Documentation shall also be in accordance with school division standards.~~

~~7. 8. Service limitations. The following general conditions shall apply to reimbursable skilled nursing services in school divisions:~~

a. Patient must be under the care of a physician or nurse practitioner who is legally authorized to practice and who is acting within the scope of his license.

b. A recertification by a physician or nurse practitioner of the skilled nursing services shall be conducted at least once each school year. The recertification statement must be signed and dated by the physician or nurse practitioner who reviews the plan of care, and may be obtained when the plan of care is reviewed. The physician or nurse practitioner recertification statement must indicate the continuing need for services and should estimate how long rehabilitative services will be needed.

c. Physician or nurse practitioner orders for nursing services shall be required .

Final Regulations

d. Utilization review shall be performed to determine if services are appropriately provided and to ensure that the services provided to Medicaid recipients are medically necessary and appropriate. Services not specifically documented in the child's school medical record as having been rendered shall be deemed not to have been rendered and no payment shall be provided.

e. Skilled nursing services are to be terminated when further progress toward the treatment goals are unlikely or when they are not benefiting the child or when the services can be provided by someone other than the skilled nursing professional.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

General Assembly Building

JANE D. CHAFFIN
REGISTRAR OF REGULATIONS

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591
FAX (804) 692-0625

April 29, 1999

Dennis G. Smith, Director
Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, Virginia 23219

Dear Mr. Smith:

This office has received the amendments to 12 VAC 30-50-229.1, School Health Services, filed by the Department of Medical Assistance Services on April 14, 1999.

As required by § 9-6.14:4.1 C 4(c) of the Code of Virginia, I have determined that these amendments conform to federal mandates and, therefore, are exempt from Article 2 of the Administrative Process Act.

Sincerely,

A handwritten signature in cursive script that reads "Jane Chaffin".

Jane D. Chaffin
Registrar of Regulations

JDC/tmgl

VA.R. Doc. No. R99-147; Filed April 14, 1999, 11:29 a.m.

Final Regulations

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Title of Regulation: **16 VAC 15-20-10 et seq. Regulations Establishing a Multiple of Federal Minimum Hourly Wage Relating to Garnishment of Wages (REPEALED).**

Title of Regulation: **16 VAC 15-21-10 et seq. Maximum Garnishment Amounts.**

Statutory Authority: § 34-29 of the Code of Virginia.

Effective Date: June 15, 1999.

Summary:

This regulation sets forth, for all types of pay periods, the method to calculate the legal maximum amount of disposable earnings which may be subject to garnishment, based on the federal minimum hourly wage rate in effect at the time the earnings are payable.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

CHAPTER 21. MAXIMUM GARNISHMENT AMOUNTS.

16 VAC 15-21-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld.

"Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, payments to an independent contractor, or otherwise, whether paid directly to the individual or deposited with another entity or person on behalf of and traceable to the individual, and includes periodic payments pursuant to a pension or retirement program.

"F.M.W.R." means the current federal minimum hourly wage rate set out in the Fair Labor Standards Act, 29 USC § 206(a)(1) or its successor, and any regulations promulgated thereunder.

"Garnishment" means any legal [or] equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

"Ordinary debt" means any debt other than a debt for the support of a person or a debt for taxes, or any other debt for

which a different maximum garnishment amount is established by law.

16 VAC 15-21-20. Maximum garnishment amounts to satisfy an ordinary debt.

A. No more than 25% of disposable earnings in any pay period may be garnished to satisfy an ordinary debt.

B. A garnishment for an ordinary debt may not reduce disposable earnings for a week to an amount less than the F.M.W.R. times 30; may not reduce disposable biweekly earnings to an amount less than the F.M.W.R. times 30 times 2; may not reduce disposable semimonthly earnings to an amount less than the F.M.W.R. times 30 times 2.16665; may not reduce disposable monthly earnings to an amount less than the F.M.W.R. times 30 times 4.33330; and may not reduce disposable earnings for a period of more than a month to an amount less than the F.M.W.R. times 30 times the number of weeks worked. The number of weeks worked shall be calculated by dividing the total number of days in the period worked by 7, calculated to 4 decimal places.

16 VAC 15-21-30. Calculation of maximum garnishment amounts for an ordinary debt.

A. Weekly earnings.

1. If the amount of weekly disposable earnings equals 30 times the F.M.W.R. or less, nothing may be withheld for garnishment.

2. If the amount of weekly disposable earnings equals more than 30 times the F.M.W.R., but is less than 40 times the F.M.W.R., then the amount above 30 times the F.M.W.R. may be withheld for garnishment.

3. If the weekly disposable earnings equals or exceeds 40 times the F.M.W.R., or more, then a maximum of 25% of the disposable earnings may be withheld for garnishment.

B. Biweekly earnings. The maximum amount which may be withheld for garnishment from biweekly earnings shall be calculated in the same manner as described for weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2 and A 3 of this section shall be multiplied by 2.

C. Semimonthly earnings. The maximum amount which may be withheld for garnishment from semimonthly earnings shall be calculated in the same manner as described for weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2 and A 3 of this section shall be multiplied by 2.16665.

D. Monthly earnings. The maximum amount of monthly disposable earnings which may be withheld for garnishment shall be calculated in the same manner as weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2, and A 3 of this section shall be multiplied by 4.33330.

E. Earnings for a period of more than one month. The maximum amount which may be withheld in garnishment for work periods in excess of one month shall be calculated in the same manner as described for weekly earnings in subsection A of this section, except that the corresponding weekly amounts in subdivisions A 1, A 2 and A 3 of this section shall be multiplied by the number of weeks worked. The number of weeks worked shall be calculated by dividing the total number of days in the period worked by 7, calculated to 4 decimal places.

VA.R. Doc. Nos. R97-16 and R97-17; Filed April 21, 1999, 11:32 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF HEALTH PROFESSIONS

REGISTRAR'S NOTICE: The following regulation filed by the Department of Health Professions is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 B 18 of the Code of Virginia, which exempts regulations for the implementation of the Health Practitioners' Intervention Program, Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 of the Code of Virginia.

Title of Regulation: **18 VAC 76-10-10 et seq. Regulations Governing the Health Practitioners' Intervention Program for the Department of Health Professions (amending 18 VAC 76-10-30).**

Statutory Authority: §§ 54.1-2505 and 54.1-2516 of the Code of Virginia.

Effective Date: April 15, 1999.

Summary:

The amendment permits a practitioner who has been terminated for noncompliance from this or any other state-sponsored intervention program to be reconsidered for eligibility at the discretion of the contractor who operates the program.

Agency Contact: Copies of the regulation may be obtained from Elaine J. Yeatts, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918.

18 VAC 76-10-30. Eligibility.

A. Any impaired practitioner regulated by the department shall be eligible for the program. A practitioner who has not been previously terminated for noncompliance from this or any other state-sponsored intervention program shall be eligible for the program may be considered eligible at the discretion of the contractor.

B. For the purposes of eligibility for the program, impairment shall not include kleptomania, pyromania,

transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, sexual behavioral disorders, homosexuality and bisexuality.

C. In order to become eligible for participation in the program, the practitioner shall sign a participation contract with the committee. Failure to adhere to the terms of the contract may subject the practitioner to termination from the program.

D. Unless otherwise ordered by a regulatory board, a practitioner shall maintain a current license, certificate, or registration to remain eligible for participation in the program.

VA.R. Doc. No. R99-148; Filed April 15, 1999, 12:07 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

REGISTRAR'S NOTICE: The State Board of Social Services is claiming an exclusion from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The State Board of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **22 VAC 40-680-10 et seq. Virginia Energy Assistance Program (repealing 22 VAC 40-680-65 and 22 VAC 40-680-66).**

Statutory Authority: § 63.1-25 of the Code of Virginia.

Effective Date: June 9, 1999.

Summary:

The amendments remove all references to the weatherization assistance component of the Virginia Energy Assistance Program in order to comply with Chapter 693 of the 1998 Acts of the General Assembly, which transferred the responsibility for weatherization assistance from the Department of Social Services to the Department of Housing and Community Development.

Agency Contact: Charlene H. Chapman, Department of Social Services, 730 East Broad Street, Richmond, VA 23219, telephone (804) 692-1751.

22 VAC 40-680-65. Eligibility criteria; benefits. (Repealed.)

~~A. The purpose of the weatherization assistance component is to improve or enhance the energy efficiency of the residence of eligible households and attempt to lessen dependency on the energy assistance program.~~

Final Regulations

~~This component is intended to help the household meet specific energy needs that cannot be met through other resources.~~

~~B. In order to be eligible for weatherization assistance, a household shall meet the following criteria:~~

- ~~1. All of the fuel assistance criteria as defined in Part II (22 VAC 40-680-20 et seq.) of this chapter.~~
- ~~2. The household must include one or more individuals with a vulnerability factor.~~
- ~~3. Other resources cannot meet the need.~~

~~C. Services will be provided through the Virginia Department of Housing and Community Development weatherization network.~~

~~D. The U.S. Department of Energy average maximum benefit guidelines will be used for each type of assistance based on the availability of funding. The following forms of assistance shall be provided:~~

- ~~1. Repair of inoperable or unsafe heating equipment including necessary maintenance cost of heating equipment and the purchase of supplemental equipment.~~
- ~~2. Purchase of heating equipment.~~
- ~~3. Cost-effective energy-related home repairs to include duct repair, air sealing, attic sealing and insulation with venting, and dense pack sidewall insulation in accordance with U.S. Department of Energy approved measures.~~

22 VAC 40-680-66. Application period. (Repealed.)

~~The application period for weatherization assistance shall be stipulated in the interagency agreement with the Virginia Department of Housing and Community Development.~~

PART V. IV. ADMINISTRATIVE COSTS.

VA.R. Doc. No. R99-151; Filed April 20, 1999, 12:43 p.m.



FORMS

TITLE 21. SECURITIES AND RETAIL FRANCHISING

STATE CORPORATION COMMISSION

EDITOR'S NOTICE: The following forms have been amended by the State Corporation Commission. The forms are available for public inspection at the State Corporation Commission, John Tyler Building, 1300 East Main Street, 10th Floor, Richmond, VA 23219. Copies of the forms may be obtained from Angela Bowser, State Corporation Commission, John Tyler Building, 1300 East Main Street, 10th Floor, Richmond, VA 23219, telephone (804) 371-9141.

Title of Regulation: **21 VAC 5-120-10 et seq. Virginia Trademark and Service Act.**

21 VAC 5-120-110. Trademark and service mark forms.

The State Corporation Commission adopts for use under the Act the forms listed below:

Form TM 1--Application for Registration of a Trademark or Service Mark (~~eff. 7/98~~ rev. 7/99).

Form TM 2--Application for Renewal of Registration of a Trademark or Service Mark (~~eff. 7/98~~ rev. 7/99).

Form TM 3--Certificate of Name Change of an Applicant or Registrant (~~eff. 7/98~~ rev. 7/99).

TM 1 (FORM 200)

COMMONWEALTH OF VIRGINIA STATE CORPORATION COMMISSION

APPLICATION FOR REGISTRATION OF A TRADEMARK OR SERVICE MARK (Please type or print)

Applicant (owner) name and address: _____

Contact person name and address: _____

Daytime phone: _____ Fax number: _____
Applicant is a: _____ Applicant's state or jurisdiction of formation: _____
(entity type i.e. corporation, partnership, etc)
Kind of mark (check one): Trademark _____ Service Mark _____
Identify the trademark or service mark (or attach an exhibit of the exact mark): _____

Class number(s) of goods or services (see 21 VAC 5-120-100): _____
Describe the product(s) or service(s) the mark represents (identifies): _____

Date mark was first used anywhere by applicant or applicant's predecessor: _____
Date mark was first used in Virginia by applicant or applicant's predecessor: _____

PLEASE NOTE: A specimen of the mark must accompany this application.

The applicant asserts that it is the owner of this mark and that the mark is in use in the Commonwealth of Virginia. No other person has registered this mark or has the right to use this mark in Virginia, either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of such person, to cause confusion or mistake, or to deceive.

(NOTE: The application must be signed in the name of the applicant, either by the applicant or by a person authorized by the applicant. The application must be sworn to by the person who signed the name of the applicant.)

Signature: _____ Date: _____
Signer's Name: _____ Title: _____
(print or type)

State of: _____ County/City of: _____ to-wit: _____
The foregoing application was subscribed and sworn to before me by _____
on the _____ day of _____, 19____
My Commission Expires: _____ Notary Public: _____

TM 3 (Rev. 2/99)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
APPLICATION FOR RENEWAL OF REGISTRATION OF A TRADEMARK
OR SERVICE MARK
(Please type or print)

Applicant (owner) name and address: _____

Contact person name and address: _____

Daytime phone: _____ Fax number: _____
Applicant is a: _____ Applicant's state or jurisdiction of formation: _____
(entity type i.e. corporation, partnership, etc)
On the _____ day of _____, 19____, the mark identified below was registered in the
name of: _____
Identify the trademark or service mark (or attach an exhibit of the exact mark): _____

Class number(s) of goods or services: _____
Describe the product(s) or service(s) the mark represents (identifies): _____

PLEASE NOTE: A specimen of the mark must accompany this application.

If the applicant is not the registrant named above, the applicant is the assignee to whom a new certificate was issued on the _____ day of _____, 19____.

The applicant asserts that it is the owner of this mark and that the mark has been and is still in use in the Commonwealth of Virginia. No other person has the right to use this mark in Virginia, either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of such person, to cause confusion or mistake, or to deceive.

(NOTE: The application must be signed in the name of the applicant, either by the applicant or by a person authorized by the applicant. The application must be sworn to by the person who signed the name of the applicant.)

Signature: _____ Date: _____
Signer's Name: _____ Title: _____
(print or type)
State of: _____ County/City of: _____ to-wit: _____
The foregoing application was subscribed and sworn to before me by: _____
on the _____ day of _____, 19____.
My Commission Expires: _____ Notary Public: _____

TM 3 (Rev. 2/99)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
CERTIFICATE OF NAME CHANGE OF AN APPLICANT OR REGISTRANT
(Please type or print)

Applicant/Registrant name and address: _____

Contact person name and address: _____

Daytime phone: _____ Fax number: _____
Prior name of applicant/registrant and address: _____

Applicant is a: _____ Applicant's state or jurisdiction of formation: _____
(entity type i.e. corporation, partnership, etc)
Kind of mark (check one): Trademark _____ Service Mark _____ Date name change effective: _____
Identify each trademark or service mark for which the name change is applicable (or attach an exhibit of the exact mark(s)): _____

Describe the product(s) or service(s) the mark represents (identifies): _____

(NOTE: The certificate must be signed in the name of the applicant, either by the applicant or by a person authorized by the applicant. The certificate must be sworn to by the person who signed the name of the applicant.)

Signature: _____ Date: _____
Signer's Name: _____ Title: _____
(print or type)
State of: _____ County/City of: _____ to-wit: _____
The foregoing certificate was subscribed and sworn to before me by: _____
on the _____ day of _____, 19____.
My Commission Expires: _____ Notary Public: _____

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

EDITOR'S NOTICE: Attachment 1 (Guidelines and Minimum Standards for LEC IntraLATA Toll Dialing Parity Plans—Case No. PUC 970009), which is referenced in the following order, was printed in the Virginia Register in 13:19 VA.R. 2445 June 9, 1997, and remains unchanged. Therefore, Attachment 1 is not printed below. In addition, Appendices A and B referenced in the following order are not being published; however, are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia, from 8:15 a.m. to 5 p.m., Monday through Friday.

AT RICHMOND, APRIL 14, 1999

COMMONWEALTH OF VIRGINIA, ex rel.
STATE CORPORATION COMMISSION

CASE NO. PUC970009

Ex Parte: Implementation of
IntraLATA Toll Dialing Parity
pursuant to the provisions of
47 U.S.C. § 251(b) (3)

FINAL ORDER

On February 6, 1997, the Commission commenced its investigation of implementing intraLATA toll dialing parity ("dialing parity") pursuant to the provisions of 47 U.S.C. § 251(b)(3). The Commission evaluated the dialing parity plan submitted by Bell Atlantic-Virginia, Inc. ("BA-VA") as well as plans filed by several other local exchange companies ("LECs") and ordered such plans to be approved in accordance with the Guidelines and Minimum Standards for LEC IntraLATA Toll Dialing Parity Plans, as set out in Attachment 1 to the Commission's Order Establishing Requirements and Conditionally Approving Plans, issued May 9, 1997, ("Order of May 9, 1997").² (Also attached to this order, hereinafter referred to as "Attachment 1".)

On November 6, 1998, the Commission issued its Order on Motion of Bell-Atlantic Virginia, Inc. to Clarify its Obligation to Implement IntraLATA Toll 1+ Presubscription, which suspended the implementation deadline of February 8, 1999, previously set by our Order of May 9, 1997.

Our suspension of the implementation deadline was premised upon the vacation of the Federal Communications Commission Order, In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, second report and memo opinion (FCC, August 8, 1996) ("the Dialing Parity Order") by the United States Court of Appeals for the Eighth Circuit in its decision, *People of the State of California v. FCC*, 124 F.

3d 934, 943 (Eighth Cir., 1997). That decision was reversed January 25, 1999, by the United States Supreme Court, in *AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721, 67 USLW 4104.

Pursuant to the United States Supreme Court decision in *Iowa Utilities Board*, the FCC released on March 23, 1999, its Order, In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, and Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief ("Dialing Parity Implementation Schedule Order").

The FCC waived the February 8, 1999, dialing parity implementation deadline ordered in the August 8, 1996, Dialing Parity Order. In the Dialing Parity Implementation Schedule Order, the FCC established a new implementation deadline schedule as follows:

No later than May 7, 1999, all LECs must implement intraLATA toll dialing parity plans already filed and approved by the state regulatory commission for each state in which the LECs provide telephone exchange service. LECs must implement such intraLATA toll dialing parity plans by May 7, 1999, whether or not the state regulatory commission has ordered implementation of the approved plan and notwithstanding any date subsequent to May 7, 1999, that may have been ordered by the state commission.

No later than April 22, 1999, all LECs must file intraLATA toll dialing parity plans with the state regulatory commission for each state in which the LEC provides telephone exchange service if a plan has not yet been filed with such state commissions. Once a state commission has approved a plan, the LEC must implement its plan no later than 30 days after the date on which the plan is approved. Any plan that provides for the implementation of intraLATA dialing parity by a state subsequent to thirty (30) days after approval by the state commission will be deemed in violation of Commission rules.

On June 22, 1999, if a state commission has not yet acted on a LEC's intraLATA toll dialing parity implementation plan, the LEC must file that plan with the Common Carrier Bureau ("Bureau"). By June 23, 1999, the Bureau will release a public notice initiating a comment cycle for the Bureau's consideration of any LEC plan filed with the Bureau. A state commission may continue to act on a plan until the Bureau has acted upon that plan. A LEC's failure to file a plan with the state commission or this Commission in the matter required by this order will be deemed a violation of this Commission's rules that will allow interested parties to seek relief pursuant to section 401(b) of the Act.

(Dialing Parity Implementation Schedule Order, ¶ 7)

Based upon the above-quoted implementation requirements of the FCC, this Commission finds that dialing parity for BA-

²The commission approved the plans of BA-VA, GTE, United/Centel, MFS and TGG. With the exception of BA-VA, these companies should have already implemented dialing parity. All subsequent plans were required to be filed through a prescribed administrative procedure with the Division of Communications.

General Notices/Errata

VA should be implemented no later than May 7, 1999. LECs that have not previously submitted dialing parity plans must submit intraLATA toll dialing parity plans with the Division of Communications no later than April 22, 1999, consistent with the Commission's Order of May 9, 1997, as modified herein below.

Moreover, in light of the limited time available for implementation, the need to efficiently use Staff resources, and the number of LECs which still need to implement dialing parity, the Commission believes it is necessary to streamline the procedures for filing and review of intraLATA toll dialing plans. Therefore we will waive certain requirements of the guidelines shown in Attachment 1. Such waivers are permitted under Guideline 9 of this attachment.

The Commission first finds that specific waivers from the Commission's guidelines for BA-VA, as set out in Attachment 1, are necessary as BA-VA is the only LEC with an approved intraLATA dialing parity plan which has not implemented dialing parity and is therefore subject to the May 7, 1999, deadline. First, the customer notification timeline in Guideline 3 is waived. BA-VA shall be required to notify its customers of the availability of intraLATA dialing parity through a bill message or insert in the next available billing cycle. In addition, the timeline in Guideline 4 for carrier notification is waived and BA-VA will now be required to provide notification to all interexchange carriers of its intraLATA dialing parity implementation date no later than 15 days following the date of this Order.

All remaining LECs currently operating in Virginia which have not implemented dialing parity are required to make a filing with this Commission pursuant to the guidelines in Attachment 1, subject to certain general waivers set forth below, no later than April 22, 1999. Any such filing will be presumptively approved as of thirty(30) days prior to the implementation date unless the proposed implementation date is after July 22, 1999. Any LEC with a proposed effective implementation date after July 22, 1999³, will be required to file its proposed intraLATA dialing parity implementation plan with the FCC pursuant to the FCC's Dialing Parity Implementation Schedule Order.⁴

The Commission has determined that a letter submitted by a LEC to the Division of Communications stating compliance with the guidelines in Attachment 1 would meet the

requirement for filing an intraLATA dialing parity plan as required in Guideline 7. In addition, the requirement to file a plan with the Division of Communications at least ninety(90) days prior to the proposed implementation date is waived and LECs only need to submit their plans thirty(30) days prior to implementation. In addition, the customer and carrier notification timelines in Guidelines 3 and 4 are waived. These LECs shall notify customers and carriers at least thirty(30) days prior to implementing intraLATA dialing parity. Further, the requirement in Guideline 3 to submit the proposed customer notice to the Staff and IXC's at least 30 days prior to the proposed mailing to customers is also waived. LECs will not need to have such notice evaluated by Staff. However, any customer notice should be nondiscriminatory and not promote the use of the LEC's own intraLATA toll services.

The Commission believes there may be LECs which have not previously submitted an intraLATA dialing plan with the Commission Staff but are currently offering 2-PIC presubscription. If any 2-PIC presubscription so implemented fails to meet the guidelines, the implementing LEC is required to bring its 2-PIC presubscription into conformance with this Order no later than May 7, 1999. To the extent there are any such LECs, they are also required to file a letter with the Division of Communications on or before April 22, 1999, providing the actual effective implementation date and a statement that intraLATA dialing parity was implemented consistent with the Commission's revised guidelines or will be so implemented no later than May 7, 1999.

Further, all LECs certificated after April 22, 1999, or those LECs already certificated but without customers in Virginia as of this date, will have the requirements in Guidelines 3, 4, 5 and 7 waived. However, the remaining provisions set forth in Attachment 1 will remain in effect and any such LEC shall be required to implement a full 2-PIC method to allow its customers to prescribe to different carriers for their intraLATA and interLATA toll service as a prerequisite to offering service in Virginia.

IT IS THEREFORE ORDERED THAT:

- (1) LECs shall file their intraLATA dialing parity plans in accordance with the requirements stated above and in Attachment 1 appended hereto.
- (2) BA-VA shall implement intraLATA dialing parity no later than May 7, 1999.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each local exchange telephone company operating in Virginia as set out in Appendix A attached hereto; each certificated interexchange carrier operating in Virginia as set out in Appendix B attached hereto; the Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 114 Coachman Drive, Yorktown, Virginia 23693; Sheryl Butler, Esquire, Office of the Judge Advocate General, Department of the Army, 901 North Stuart Street, Room 400, Arlington, Virginia 22203-1837;

³The FCC's Dialing Parity Implementation Schedule Order requires a plan not acted on by a state commission by June 22, 1999, to be filed with the FCC's Common Carrier Bureau. In accordance with this order's procedures, a LEC's plan with an implementation date of July 22, 1999, would be considered approved by this commission as of June 22, 1999.

⁴The FCC's Dialing Parity Implementation Schedule Order does not provide for any exemption. However, this commission believes a rural telephone carrier may petition this commission for an exemption from the dialing parity requirements of 47 USC § 251 (b)(3) pursuant 47 USC § 251 (f)(2). Any rural telephone carrier which plans to petition for such an exemption with the commission should provide notice to this commission by April 22, 1999, of its intent and should file its petition in accordance with the requirements of 47 USC § 251 (f)(2) no later than June 22, 1999. Any rural telephone company with such exemption petition filed with the commission as of this date is not required to file its dialing parity plan with this commission as otherwise required for LECs as state above.

Ronald B. Mallard, Director, Department of Consumer Affairs, County of Fairfax, 12000 Government Center Parkway, Fairfax, Virginia 22035; Mr. Charles R. Smith, Hello, Inc., 2315 West Broad Street, Richmond, Virginia 23220; James C. Roberts, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23218-1122; the Commission's Office of General Counsel; and the Commission's Division of Communications, Public Utility Accounting, and Economics and Finance.

STATE BOARD OF HEALTH

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (1998), the Virginia Department of Health (State Board of) will review the regulations listed below to determine whether they should be terminated, amended or retained in their current form. The reviews of these regulations will be guided by the principles listed in Executive Order Twenty-five (98). The regulations to be reviewed include:

1. Regulations for the Conduct of Human Research, 12 VAC 5-20
2. Regulations Governing the Newborn Screening and Treatment Program, 12 VAC 5-70
3. Regulations for the Sanitary Control of the Picking, Packing and Marketing of Crab Meat for Human Consumption, 12 VAC 5-160
4. State Plan for the Provision of Children's Specialty Services, 12 VAC 5-190
5. Methodology to Measure Efficiency and Productivity of Health Care Institutions, 12 VAC 5-216
6. State Medical Facilities Plan, General Acute Care Services, 12 VAC 5-240
7. State Medical Facilities Plan, Cardiac Services, 12 VAC 5-260
8. State Medical Facilities Plan, General Surgical Services, 12 VAC 5-270
9. State Medical Facilities Plan, Psychiatric and Substance Abuse Treatment Services, 12 VAC 5-290
10. State Medical Facilities Plan, Mental Retardation Services, 12 VAC 5-300
11. State Medical Facilities Plan, Medical Rehabilitation Services, 12 VAC 5-310
12. Transient Lodging and Hotel Sanitation in Virginia, 12 VAC 5-430
13. Swimming Pool Regulations Governing the Posting of Water Quality Results, 12 VAC 5-462
14. Virginia Radiation Protection Regulations: Fee Schedule, 12 VAC 5-490
15. Rules and Regulations Governing the Construction and Maintenance of Migrant Labor Camps, 12 VAC 5-500
16. Regulations Governing the Virginia Medical Scholarship Program, 12 VAC 5-530
17. Sanitary Regulations for Marinas and Boat Moorings, 12 VAC 5-570
18. Biosolids Use Regulations, 12 VAC 5-585
19. Waterworks Operation Fee, 12 VAC 5-600, and

20. Sewage Handling and Disposal Regulations, 12 VAC 5-610

The department and board seek public comment on the review of the above listed regulations regarding any pertinent issue relating to these regulations, including: (i) whether the regulations are effective in achieving their goals; (ii) whether the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions; (iii) whether there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (iv) whether the regulations are clearly written and easily understandable by affected persons.

Written and electronically-submitted comments on any of the above listed regulations are welcome and will be accepted until 5 p.m., June 10, 1999. All comments should be addressed to Douglas R. Harris, Office of the State Health Commissioner, Virginia Department of Health, 1500 East Main Street, Suite 214, Richmond, Virginia 23219, e-mail: dharris@vdh.state.va.us, FAX (804) 786-4616.

VIRGINIA HEALTH PLANNING BOARD

Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-five (1998), the Virginia Health Planning Board will review the regulations listed below to determine whether they should be terminated, amended or retained in their current form. The reviews of these regulations will be guided by the principles listed in Executive Order Twenty-five (98). The regulations to be reviewed are:

1. Regulations Governing the Regional Health Planning Boards, 12 VAC 20-30 and
2. Regulations for Designating Regional Health Planning Agencies, 12 VAC 20-40

The board seeks public comment on the review of the above listed regulations regarding any pertinent issue relating to these regulations, including: (i) whether the regulations are effective in achieving their goals; (ii) whether the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions; (iii) whether there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (iv) whether the regulations are clearly written and easily understandable by affected persons.

Written and electronically-submitted comments on the above listed regulations are welcome and will be accepted until 5 p.m., June 10, 1999. All comments should be addressed to Douglas R. Harris, Office of the State Health Commissioner, Virginia Department of Health, 1500 East Main Street, Suite 214, Richmond, Virginia 23219, e-mail: dharris@vdh.state.va.us, FAX (804) 786-4616.

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STATE LOTTERY BOARD

DIRECTOR'S ORDER NUMBER FORTY-FOUR (98)

CERTAIN VIRGINIA INSTANT GAME LOTTERIES; END OF GAMES.

In accordance with the authority granted by Sections 58.1-4006 A and 9-6.14:4.1 B (15) of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on Friday, December 25, 1998:

Instant Game Eighty-Two	Dealer's Choice
Instant Game Eighty-Nine	Blackjack
Instant Game Ninety-Six	Break the Bank
Instant Game Lottery 121	Baseball Legends
Instant Game Lottery 122	Win, Place, Show
Instant Game Lottery 413	Battleship
Instant Game Lottery 414	Virginia Road Trip
Instant Game Lottery 415	3 for the Money
Instant Game Lottery 425	Trucks and Bucks
Instant Game Lottery 426	Wheel of Fortune

The last day for lottery retailers to return for credit unsold tickets from any of these games will be Friday, February 12, 1999. The last day to redeem winning tickets for any of these games will be Wednesday, June 23, 1999, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims which are mailed and received in an envelope bearing a United States Postal Service postmark of June 23, 1999, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia; and at any State Lottery Department regional office. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: December 15, 1998

DIRECTOR'S ORDER NUMBER TWO (99)

ESTABLISHMENT OF A SLIDING SCALE FOR SURETY BONDING REQUIREMENTS.

In accordance with the authority granted by Section 58.1-4006 A of the Code of Virginia, and as provided by Sections C and D of State Lottery Department Instant Game Regulations, 11 VAC 5-30-50, and Sections C and D of State

Lottery Department On-Line Game Regulations, 11 VAC 5-40-140, I hereby establish a sliding scale for surety bonding requirements based on the average volume of lottery ticket sales by a lottery retailer.

Sales volumes at lottery retailers have increased substantially since the Lottery began a decade ago. New on-line games with multi-million dollar jackpots can greatly increase the size of the Commonwealth's financial assets held by retailers until funds are deposited in Lottery accounts. This order ensures that the Commonwealth's interest in tickets sold by the licensed lottery retailer is adequately safeguarded. Changes in a retailer's surety bonding requirement will become effective upon the retailer's next bond renewal date. Retailers will be informed of the amount of bonding required under the sliding scale by the Lottery in advance of the bond renewal date.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Office of the Director, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Penelope W. Kyle
Director
Date: February 22, 1999

DIRECTOR'S ORDER NUMBER THREE (99)

"THE BIG GAME BONUS" VIRGINIA LOTTERY RETAILER TRADE INCENTIVE RULES.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate "The Big Game Bonus" Virginia Lottery Retailer Trade Incentive Rules for the lottery retailer incentive program that will be conducted from Wednesday, January 13, 1999 through Wednesday, March 31, 1999. This incentive is available to all licensed Virginia Lottery on-line retailers in active status on January 13, 1999 and is designed to help support the changes to the Big Game by rewarding retailers an additional 2% bonus on all Big Game sales during the period of the promotion. These rules amplify and conform to the duly adopted State Lottery Department regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until April 1, 1999, unless otherwise extended by the Director.

/s/ David L. Norton
Manager, Legal Affairs
Date: January 11, 1999

DIRECTOR'S ORDER NUMBER FOUR (99)

"GO FOR THE GOAL" VIRGINIA LOTTERY RETAILER TRADE INCENTIVE PROGRAM RULES.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate "Go For The Goal" Virginia Lottery Retailer Trade Incentive Program Rules for the lottery retailer incentive program that will be conducted from Monday, May 3, 1999 through Wednesday, June 30, 1999. These rules amplify and conform to the duly adopted State Lottery Department regulations.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Office, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until July 1, 1999, unless otherwise extended by the Director.

/s/ David L. Norton
Manager, Legal Affairs
Date: April 1, 1999

DIRECTOR'S ORDER NUMBER FIVE (99)

VIRGINIA'S INSTANT GAME LOTTERY 149; "GOLD CARD," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 149, "Gold Card." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 17, 1999

DIRECTOR'S ORDER NUMBER SIX (99)

VIRGINIA'S INSTANT GAME LOTTERY 151; "SPRING FLING," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 151, "Spring Fling." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: April 5, 1999

DIRECTOR'S ORDER NUMBER SEVEN (99)

VIRGINIA'S INSTANT GAME LOTTERY 439; "HARLEY- DAVIDSON®," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 439, "Harley-Davidson®." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: April 5, 1999

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DIRECTOR'S ORDER NUMBER EIGHT (99)

VIRGINIA'S INSTANT GAME LOTTERY 146; "FEATHER YOUR NEST," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 146, "Feather Your Nest." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 3, 1999

DIRECTOR'S ORDER NUMBER NINE (99)

VIRGINIA'S INSTANT GAME LOTTERY 150; "SLOTS OF MONEY," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 150, "Slots of Money." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 3, 1999

DIRECTOR'S ORDER NUMBER TEN (99)

VIRGINIA'S INSTANT GAME LOTTERY 437; "JOKER'S WILD," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 437, "Joker's Wild." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: February 24, 1999

DIRECTOR'S ORDER NUMBER ELEVEN (99)

VIRGINIA'S INSTANT GAME LOTTERY 147; "INSTANT REFUND," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 147, "Instant Refund." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: March 17, 1999

DIRECTOR'S ORDER NUMBER TWELVE (99)

VIRGINIA'S INSTANT GAME LOTTERY 154; "ROULETTE," FINAL RULES FOR GAME OPERATION.

In accordance with the authority granted by Sections 9-6.14:4.1 B (15) and 58.1-4006 A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's Instant Game Lottery 154, "Roulette." These rules amplify and conform to the duly adopted State Lottery Department regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 900 East Main Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Public Affairs Division, State Lottery Department, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ David L. Norton
Manager, Legal Affairs
Date: April 13, 1999

STATE WATER CONTROL BOARD

Proposed Consent Special Order American Security Council Foundation

The State Water Control Board (Board) proposes a Consent Special Order (order) to American Security Council Foundation regarding failure to meet effluent limitations as required per the Virginia Pollutant Discharge Elimination System (VPDES) Permit. The alleged violations occurred starting in December 1997 through August 1998.

The order provides, among other things, that upon approval of the plan to upgrade the facility, actions will be taken to implement the required plant modifications. These improvements should ensure compliance with applicable statutory and regulatory requirements. American Security Council Foundation has agreed to the issuance of the order and payment of a civil charge.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through June 9, 1999. Please address comments to Douglas E. Washington, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please write or visit the Woodbridge address, or call (703) 583-3888, in order to examine or to obtain a copy of the order.

Proposed Consent Special Order APB Whiting Oil Company, Inc. Bunker Hill Foods, Inc. Camp Virginia Jaycee, Inc. Mitchell Dairy Vine and Branch Properties, Inc.

The State Water Control Board and the Department of Environmental Quality propose to issue Consent Special Orders as follows:

1. APB Whiting Oil Company, Inc. (FC-02-0664, formerly FC-02-0599), to resolve violations of the State Water Control Law and the Aboveground Storage Tank Regulation at the aboveground oil storage facility at 4939 Starkey Road in the County of Roanoke. The order requires corrective actions and payment of a civil charge of \$2,500. It also requires the company to perform a supplemental environmental project by paying \$2,500 to the Virginia Department of Fire Programs, Area 4, for its use in procuring audiovisual equipment to support hazardous materials response training.
2. Bunker Hill Foods, Inc. (VPA02054, VAG252001, VAR220184 & PC 98-0671), to resolve violations of the State Water Control Law, the Permit Regulation, and instream standards at the plant on Route 122 in Bedford County. The violations included unpermitted discharge of process and cooling water, exceedence of temperature limits, other unpermitted discharges, and instream impacts. The order requires corrective actions, including a preliminary site characterization for groundwater, and the payment of a civil charge of \$5,000. It also requires the company to perform a supplemental environmental project with a minimum cost of \$10,000 by installing redundant pollution prevention measures around the main internal pump station.
3. Camp Virginia Jaycee, Inc. (VPDES Permit No. VA0060909), to resolve Permit violations at a camp in Bedford County. The order requires one year of operational optimization and possibly a plant upgrade if this is not sufficient.
4. Mitchell Dairy (VPG120004, Pollution Complaint No. 99-0644), to resolve violations of the State Water Control Law and the Permit Regulation. The violations included an unpermitted discharge of manure, improper operation and maintenance of a lagoon, and failure to follow an approved Nutrient Management Plan. The order requires corrective actions, payment of a civil charge of \$1,000, and performance of a supplemental environmental project costing at least \$3,000. This project will be to provide alternate water supplies for the dairy herd and to fence them out of the creek.
5. Vine and Branch Properties, Inc. for a lagoon serving 6231-6239 West Main Street (Pollution Complaint No. 97-0704), to resolve violations of the State Water Control Law and the Permit Regulation. The violations include an unpermitted discharge and operation of a

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sewage treatment work without a permit. The order requires proper interim operation of the lagoon, connection to the public sewer by November 30, 1999, and proper decommissioning of the lagoon.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the proposed action until June 10, 1999. Comments should be addressed to Norman L. Auldrige, West Central Regional Office, Department of Environmental Quality, 3019 Peters Creek Road, NW, Roanoke, VA 24019, or fax 540-562-6725. The proposed order may be examined at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, NW, Roanoke, VA 24019. Copies of the orders may be obtained in person or by mail.

Proposed Consent Special Order Blue Ridge Truss and Supply, Inc.

The State Water Control Board proposes to enter into a consent special order with Blue Ridge Truss and Supply, Inc. (BRT&S). The parties have agreed to the terms of a consent special order establishing a schedule of compliance for completing upgrades to the BRT&S sewage treatment plant.

BRT&S operates a sewage treatment plant (STP) under a VPDES General Permit authorizing discharge of treated sewage into Saltpeter Run in the Shenandoah River Subbasin. BRT&S has experienced problems complying with its permit limit for fecal coliform. The proposed consent special order would establish a schedule of compliance under which BRT&S would complete certain upgrades of the STP to address the fecal coliform problem, to obtain a Certificate to Operate the upgraded STP and to submit an Operations and Maintenance manual for the upgraded STP. The proposed consent special order would also assess a civil charge against BRT&S for failure to upgrade the facility in accordance with a previously approved schedule.

The board will receive written comments relating to the proposed consent special order until June 9, 1999. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, Post Office Box 1129, Harrisonburg, Virginia 22801 and should refer to the consent special order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Coastal Mart, Inc.

The State Water Control Board proposes to enter into a consent special order with Coastal Mart, Inc. to address violations of the State Water Control Law and regulations at C-Mart's Raphine facility. C-Mart has experienced numerous leaks, spills, and overfills associated with its petroleum underground storage tank system over the past 9 years, and has recently experienced problems with a new oil-water

separator. The proposed order will require C-Mart to conduct a comprehensive site characterization of the entire site, implement free product recovery and, if necessary, corrective action, improve inspections and daily maintenance and emergency procedures, submit reports in a timely manner, and improve operation of and access to the oil-water separator. The order also assesses a civil charge for past violations.

The board will receive written comments relating to the proposed consent special order until June 9, 1999. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 1129, Harrisonburg, Virginia, 22801 and should refer to the consent special order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Flying J, Inc.

The State Water Control Board proposes to enter into a consent special order with Flying J, Inc. to address violations of the State Water Control Law and regulations at the Flying J Travel Plaza in Clear Brook, Virginia. Flying J is subject to a VPDES permit issued by the board authorizing the company to discharge treated wastewater to Duncan Run in the Potomac River basin. Since the facility opened in November of 1997, it has experienced violations of its VPDES permit, including exceedances of permit limits for BOD, TKN, chlorine and dissolved oxygen; improper reporting; unpermitted discharges from an oil-water separator; solids losses; and other problems. The company has voluntarily agreed to a schedule in the proposed order to correct all outstanding violations at the facility and to pay a civil charge.

The board will receive written comments relating to the proposed consent special order until June 9, 1999. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 1129, Harrisonburg, Virginia 22801 and should refer to the consent special order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order Lake Monticello Service Company

The State Water Control Board proposes to enter into a consent special order with AquaSource, Inc. T/A Lake Monticello Service Company or Lake Monticello Service Company (Lake Monticello) to resolve violations of the State Water Control Law and regulations at the Lake Monticello discharges treated wastewater into Rivanna River in

Fluvanna County under authority of a VPDES permit. Since approximately January 1995, the Lake Monticello collection system has experienced numerous unpermitted discharges of untreated sewage at pump stations and manholes resulting from excessive inflow and infiltration into the system. Flows have also exceeded the plant's design capacity.

The proposed consent special order incorporates a schedule of compliance of conduct repair work on the collection system in order to reduce the inflow and infiltration problem.

The board will receive written comments relating to the proposed consent special order until June 9, 1999. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, P.O. Box 1129, Harrisonburg, VA 22801 and should refer to the consent special order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801. A copy of the order may be obtained in person or by mail from this office.

Proposed Consent Special Order The Little Oil Company, Inc.

The State Water Control Board proposes to take an enforcement action against the Little Oil Company, Inc. The owner has agreed to settle the matter of alleged oil spill violations of the State Water Control Law at its Richmond bulk oil storage facility on Commerce Road. The proposed order requires the company to submit a plan and schedule for environmental sampling and closure of the impacted area, and to demolish the terminal facility in full compliance with AST regulations. The proposed order requires that the company pay a \$22,000 civil charge. Finally, the order requires that the company execute a Deed of Dedication approved by the department in favor of the City of Richmond to transfer no less than 14 acres of James River front property at the terminal site of a value of at least \$66,000 as a Supplemental Environmental Project (SEP), pursuant to § 10.1-1186.2 of the Code of Virginia. This real property is to be accepted and held by the city pursuant to the Open-Space Land Act, § 10.1-1700 *et seq.* of the Code of Virginia for ultimate inclusion in the James River Park.

On behalf of the State Water Control Board, the Department of Environmental Quality will receive written comments relating to the special order until June 9, 1999. Comments should be addressed to Amy Thatcher Clarke, Department of Environmental Quality, 629 East Main Street, Richmond, VA and should refer to the consent special order.

The proposed order may be examined at the same address. A copy of the order may also be obtained in person or by mail from DEQ.

Proposed Consent Special Order Raphine Limited Partnership Motel

The State Water Control Board proposes to enter into a consent special order with Raphine Limited Partnership Motel Raphine to resolve violations of the State Water Control Law and regulations at the Raphine Limited Partnership Motel sewage treatment plant. Raphine discharges treated wastewater into Moores Creek in Rockbridge County under authority of a VPDES Permit. DEQ has found Raphine to be in violation of its permit for improper sampling and reporting of monitoring data. Also, the Raphine sewage treatment plant has experienced difficulty complying with ammonia and biochemical oxygen demand (BOD) permit effluent limitations.

The proposed consent special order settles outstanding Notices of Violation and incorporates a schedule of compliance to ensure proper operations and maintenance of the facility and, if necessary, upgrade the sewage treatment plant in order to ensure consistent compliance with all the permit requirements.

The board will receive written comments relating to the proposed consent special order until June 9, 1999. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, Post Office Box 1129, Harrisonburg, Virginia 22801 and should refer to the consent special order.

The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from this office.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:
<http://legis.state.va.us/codecomm/register/regindex.htm>

General Notices/Errata


FORMS:


NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS
- RR08

CALENDAR OF EVENTS

Symbol Key


† Indicates entries since last publication of the *Virginia Register*

 Location accessible to handicapped

 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation.


For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

May 12, 1999 - 9 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. 


A regular meeting to discuss Virginia agriculture and consumer protection. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy E. Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3535 or FAX (804) 371-7679.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Farmers Market Board

† May 17, 1999 - 9:30 a.m. -- Open Meeting


Southeast Agricultural and Extension Center, 6321 Holland Road, Suffolk, Virginia. 

A meeting to review and hear responses to audit issues concerning operational and management procedures regarding the Southeast Virginia Farmers Market located in Courtland. The market is one of four shipping point/wholesale farmers markets in the Virginia Farmers Market System over which the board has operational/management authority and the authority to

make recommendations regarding contractual issues. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Susan K. Simpson at least one day before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Program Director, Division of Marketing, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., 10th Floor, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7786.

† May 18, 1999 - 9:30 a.m. -- Open Meeting


Accomack County Airport, 29194 Parkway North, Melfa, Virginia. 

A meeting to hear and approve the minutes from the prior meeting and to hear a financial statement for the period of February 1 through April 30, 1999. In addition, the board will hear status reports from operators of shipping point markets in the Virginia Farmers Market System. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Susan K. Simpson at least one day before the meeting date so that suitable arrangements can be made.

Contact: Susan K. Simpson, Program Director, Division of Marketing, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., 10th Floor, Richmond, VA 23219, telephone (804) 786-2112 or FAX (804) 371-7786.

Virginia Small Grains Board

† July 29, 1999 - 8 a.m. -- Open Meeting


Richmond Airport Hilton, 5501 Eubank Road, Sandston, Virginia. 

Calendar of Events

A meeting to review FY 1998-99 projects reports and receive 1999-2000 project proposals. Minutes from the last board meeting and a current financial statement will be heard and approved. Additionally, action will be taken on any other new business that comes before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Virginia Small Grains Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157 or FAX (804) 371-7786.


Virginia Winegrowers Advisory Board

† **July 21, 1999 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. 

A meeting to conduct regular business, including hearing and potential approval of minutes from the prior meeting, committee reports, treasurer's report, and a report from the ABC Board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact Mary E. Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.

Contact: Mary E. Davis-Barton, Secretary, Virginia Winegrowers Advisory Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 1010, Richmond, VA 23219, telephone (804) 371-7685 or FAX (804) 786-3122.


STATE AIR POLLUTION CONTROL BOARD

May 11, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 


A quarterly meeting.


Contact: Cindy M. Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS


May 12, 1999 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting of the Land Surveyor Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 


May 19, 1999 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Landscape Architect Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.


Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 

May 26, 1999 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designer Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so that suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475 or (804) 367-9753/TTY 


ART AND ARCHITECTURAL REVIEW BOARD

† **June 4, 1999 - 9 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to review projects submitted by state agencies.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Suite 221, Richmond, VA 23219, telephone (804) 643-1977 or FAX (804) 643-1981.


VIRGINIA BOARD FOR ASBESTOS AND LEAD

May 13, 1999 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 


A meeting to conduct routine business. Public comment will be received at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2176, FAX (804) 367-2475 or (804) 367-9753/TTY 

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

† **May 20, 1999 - 10 a.m.** -- Open Meeting
† **June 24, 1999 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting and public comment session of the Board of Directors. The board will meet in executive session to review loan applications.

Contact: Gail Stubbs, Program Technician, Assistive Technology Loan Fund Authority, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7331, FAX (804) 662-9533 or (804) 662-7331/TTY 


BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY


May 20, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 


A general business meeting. Public comments will be heard at the beginning of the meeting for 15 minutes.


Contact: Senita Booker, Administrative Staff Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523 or (804) 662-7197/TTY 

BOARD FOR BARBERS


† **June 7, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4W, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

† **June 14, 1999 - 7:30 p.m.** -- Open Meeting
Northern Virginia Community College, Alexandria Campus, 3001 North Beauregard Street, Bisdorf Building, Room 158, Alexandria, Virginia.  (Interpreter for the deaf provided upon request)


† **June 21, 1999 - 7:30 p.m.** -- Open Meeting
Old Dominion University, 49th and Elkhorn Avenue, Chandler Recital Hall, Diehn Building, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

† **June 28, 1999 - 2 p.m.** -- Open Meeting
Department of Environmental Quality, 3019 Peters Creek Road, Room 600, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


An informational proceeding to receive comments from the public on the current regulation of barbering as defined in § 54.1-700 of the Code of Virginia. Specifically, the board is studying whether an individual who cuts hair and does not perform other barbering tasks should be subregulated under barbering. The board will accept written comments until 5 p.m. on Friday, July 2, 1999. The board will review all public comments at their meeting on Monday, July 12, 1999.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY 

CEMETERY BOARD


May 12, 1999 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Delivery Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY 

Calendar of Events

May 12, 1999 - 9:30 a.m. -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A joint meeting of the Cemetery Board and the Board of Funeral Directors and Embalmers. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY 

CHILD DAY-CARE COUNCIL

May 13, 1999 - 10 a.m. -- Open Meeting


Department of Social Services, Theater Row Building, 730 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss issues and concerns that impact child day centers, camps, school-age programs, and preschool/nursery schools. Public comment will be received at noon. Please call Rhonda Harrell prior to the meeting date for possible change in meeting time.


Contact: Rhonda Harrell, Division of Licensing Programs, Department of Social Services, Theatre Row Bldg., 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1775 or FAX (804) 692-2370.

STATE BOARD FOR COMMUNITY COLLEGES


May 12, 1999 - 2:30 p.m. -- Open Meeting

Virginia Western Community College, 3095 Colonial Avenue, S.W., Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


Meetings of the Academic and Student Affairs Committee, the Budget and Finance Committee, and the Audit Committee.

Contact: Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 


May 12, 1999 - 3:30 p.m. -- Open Meeting

Virginia Western Community College, 3095 Colonial Avenue, S.W., Roanoke, Virginia.  (Interpreter for the deaf provided upon request)


Meetings of the Facilities Committee and the Personnel Committee.

Contact: Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 

May 13, 1999 - 9 a.m. -- Open Meeting


Virginia Western Community College, 3095 Colonial Avenue, S.W., Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the board.


Contact: Dr. Joy S. Graham, Assistant Chancellor for Public Affairs, Virginia Community College System, James Monroe Bldg., 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, or (804) 371-8504/TTY 

COMPENSATION BOARD

May 27, 1999 - 11 a.m. -- Open Meeting

Ninth Street Office Building, 202 North 9th Street, 10th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Monthly board meeting.

Contact: Cindy Waddell, Administrative Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235 or (804) 786-0786/TTY 

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Executive Council

May 21, 1999 - 9 a.m. -- Open Meeting

June 25, 1999 - 9 a.m. -- Open Meeting

Theater Row Building, 730 East Broad Street, Lower Level, Training Room, Richmond, Virginia.

A regular meeting. The council provides for interagency programmatic and fiscal policies, oversees the administration of funds appropriated under the Comprehensive Services Act, and advises the Governor.

Contact: Alan G. Saunders, Director, State Executive Council, 1604 Santa Rosa Road, Suite 137, Richmond, VA 23229, telephone (804) 662-9815 or FAX (804) 662-9831.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Cave Board

† **June 5, 1999 - 1 p.m.** -- Open Meeting
The Richmond Area Speological Society's Bingo Hall, 5300 West Marshall Street, Richmond, Virginia.

A regular meeting to discuss issues relating to cave and karst conservation. A public comment period has been set aside on the agenda.

Contact: Lawrence R. Smith, Natural Area Protection Manager, Department of Conservation and Recreation, Division of Natural Heritage, 217 Governor St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-7951, FAX (804) 371-2674 or (804) 786-2121/TTY ☎

CHIPPOKES PLANTATION FARM FOUNDATION

June 28, 1999 - 9:30 a.m. -- Open Meeting
Chippokes Plantation State Park, Mansion, 695 Chippokes Park Road, Conference Room, Surry, Virginia.♿

A general business meeting.

Contact: Katherine R. Wright, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-7950 or FAX (804) 371-8500.

Board of Conservation and Development of Public Beaches

May 25, 1999 - 10 a.m. -- Open Meeting
Hampton City Hall, Hampton City Council Chambers, Hampton, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss proposed projects by localities requesting matching grant funds, to review the board's budget and expenses for the 1998-2000 biennium, and to receive public comments about public beaches or the activities of the board. Requests for an interpreter for the deaf must be made to Carlton Lee Hill by May 11.

Contact: Carlton Lee Hill, Staff Advisor, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-3998 or FAX (804) 786-1798.

Virginia State Parks Foundation

† **May 13, 1999 - 11 a.m.** -- Open Meeting
Douthat State Park, Route 1, Box 212, Millboro, Virginia.♿ (Interpreter for the deaf provided upon request)

A general business meeting. Public comments will be heard after all regular business is completed.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY ☎

BOARD FOR CONTRACTORS

† **May 14, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.♿

A regular meeting of the Natural Gas Fitter Advisory Committee to consider amending the tradesman regulations to include the new trade designation of natural gas fitter provider added by the General Assembly in the 1999 Session.

Contact: George O. Bridewell, Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2607, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

† **May 19, 1999 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia.♿

A regularly scheduled meeting of the board to address policy and procedural issues; review and render case decisions on matured complaints against licensees; and discuss other matters which may require board action. The meeting is open to the public; however, a portion of the board's business may be discussed in executive session. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Geralde W. Morgan.

Contact: Geralde W. Morgan, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

BOARD OF CORRECTIONAL EDUCATION

† **May 21, 1999 - 10 a.m.** -- Open Meeting
Department of Correctional Education, James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A general monthly meeting.

Contact: Patty Ennis, Board Clerk, Department of Correctional Education, James Monroe Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314.

Calendar of Events

BOARD OF CORRECTIONS

May 11, 1999 - 9:30 a.m. -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia. ☎

A meeting of the Correctional Services Committee to discuss correctional services matters which may be presented to the full board.

Contact: Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

May 12, 1999 - 8:30 a.m. -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia. ☎

A meeting of the Administration Committee to discuss administration matters which may be presented to the full board.

Contact: Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

May 12, 1999 - 10 a.m. -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia. ☎

A meeting of the full board. Public comment will be received.

Contact: Barbara Fellows, Administrative Assistant to the Board, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235 or FAX (804) 674-3130.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

† May 17, 1999 - 11 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond,
Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the board to review requests submitted by localities for the use of the design-build or construction management type of contract and to review the draft "Report to the Governor" due December 1, 1999. Please contact Sandra H. Williams at the Division of Engineering and Buildings to confirm meeting date and time.

Contact: Sandra H. Williams, Administrative Assistant, Department of General Services, Division of Engineering and Buildings, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934 or (804) 786-6152/TTY ☎

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† May 12, 1999 - 1:30 p.m. -- Open Meeting
† June 15, 1999 - 10 a.m. -- Open Meeting
Virginia Economic Development Partnership, Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor, Board Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to begin the process for hiring the President and CEO of the Virginia Tourism Corporation.

Contact: Gayle Morgan Vail, Acting President and CEO, Virginia Economic Development Partnership, Riverfront Plaza, 901 E. Byrd St., P.O. Box 798, Richmond, VA 23218, telephone (804) 371-8175, FAX (804) 786-1919 or (804) 371-0327/TTY ☎

BOARD OF EDUCATION

May 18, 1999 - 7 p.m. -- Public Hearing
John Marshall High School, 4225 Old Brook Road,
Richmond, Virginia.

May 18 1999 - 7 p.m. -- Public Hearing
Minnie Howard High School, 3801 West Braddock Road,
Alexandria, Virginia.

May 18 1999 - 7 p.m. -- Public Hearing
Lake Taylor High School, 1384 Kempsville Road, Norfolk,
Virginia.

May 18 1999 - 7 p.m. -- Public Hearing
Virginia Middle School, 501 Piedmont Avenue, Bristol,
Virginia.

May 25, 1999 - 7 p.m. -- Public Hearing
Patrick Henry High School, 2102 Grandin Road, S.W.,
Roanoke, Virginia.


May 25, 1999 - 7 p.m. -- Public Hearing
Robert E. Lee High School, 1200 North Coalter Street,
Staunton, Virginia.

The Board of Education announces its intention to develop measures addressing school accountability. As a part of the process, the board will conduct a series of public hearings to receive public comment on key education issues including rewards and consequences for schools which achieve, or fail to achieve, accreditation under Virginia's new Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.). Following this initial round of public hearings, the board will initiate the process to amend its accreditation regulations pursuant to the Administrative Process Act and applicable executive orders. The board will hold an extensive second round of public hearings after its draft proposals are published in the *Virginia Register*.


Contact: Dr. Margaret N. Roberts, Executive Assistant for Board Relations, Department of Education, Monroe Bldg., 101 N. 14th St., P.O. Box 2120, Richmond, VA 23218-2120,

telephone (804) 225-2540, FAX (804) 225-2524 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER

† **May 26, 1999 - 6:30 p.m.** -- Open Meeting
Courthouse Office Building, 6467 Main Street, Gloucester, Virginia.  (Interpreter for the deaf provided upon request)

A biennial meeting to elect officers and discuss training exercises and for a review of the public information campaign.

Contact: Georgette N. Hurley, Assistant County Administrator, Gloucester County Administrator's Office, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042 or (804) 693-1479/TTY 

DEPARTMENT OF ENVIRONMENTAL QUALITY

† **May 17, 1999 - 7 p.m.** -- Public Hearing
Henry County Administration Building, 3300 Kings Mountain Road, Henry County, Virginia.

A public hearing to consider a Prevention of Significant Deterioration (PSD) application from Stanley Furniture Company, Inc., to add an additional finishing line to their facility located in Stanleytown. The modification will increase Stanley's potential volatile organic compound emissions from the finishing operation by 351 tons per year.

Contact: Margaret Key, Department of Environmental Quality, Lynchburg Satellite Office, 7705 Timberlake Road, Lynchburg, VA 24502.

May 12, 1999 - 7 p.m. -- Public Hearing
Liberty High School, 6300 Independence Avenue, Auditorium, Bealeton, Virginia.

A public hearing to receive comments on an application from Virginia Electric and Power Company to construct and operate a simple cycle combustion turbine station located off Route 655, approximately two miles northeast of Remington in Fauquier County, Virginia.

Contact: Terry Darton, Department of Environmental Quality, Fredericksburg Satellite Office, 806 Westwood Office Park, Fredericksburg, VA 22401, telephone (540) 899-4600.

† **May 26, 1999 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting of the Citizens Wetlands Advisory Committee to work on the wetlands strategy for the Commonwealth. Additional meetings are scheduled for June 30, July 28, August 25 and September 29, 1999. These dates and locations are subject to change and persons interested in attending should confirm with William K. Norris.

Contact: William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4072 or FAX (804) 698-4019.


Virginia Ground Water Protection Steering Committee

May 18, 1999 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A meeting to discuss ground water protection issues. Meeting minutes and agenda may be obtained from Mary Ann Massie.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042.

Virginia Pollution Prevention Advisory Committee

May 26, 1999 - 10:30 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting to discuss the voluntary pollution prevention program.

Contact: Sharon K. Baxter, Pollution Prevention Manager, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23221, telephone (804) 698-4344 or toll-free 1-800-592-5482.

VIRGINIA FIRE SERVICES BOARD

June 10, 1999 - 8:30 a.m. -- Open Meeting
Holiday Inn Fair Oaks, 11787 Lee Jackson Memorial Highway, Fairfax, Virginia.

Committees will meet as follows to discuss fire training and policies. The meetings are open to the public for input and comments.

Fire/EMS Education and Training Committee - 8:30 a.m.
Legislative Liaison Committee - 10 a.m.
Fire Prevention and Control Committee - 1 p.m.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.

June 11, 1999 - 9 a.m. -- Open Meeting
Holiday Inn Fair Oaks, 11787 Lee Jackson Memorial Highway, Fairfax, Virginia.


A business meeting to discuss fire training and policies. The meeting is open to the public for comments and input.

Contact: Troy H. Lapetina, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220.


Calendar of Events

BOARD OF FUNERAL DIRECTORS AND EMBALMERS


May 12, 1999 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Conference Room 5W, Richmond, Virginia. 


A joint meeting of the board and the Cemetery Board to discuss related issues. There will be a 15-minute public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY 


May 25, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A meeting of the Legislative Committee to discuss legislative issues for 2000. There will be a 15-minute public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907, FAX (804) 662-9523 or (804) 662-7197/TTY 


† June 2, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. 

A general meeting of the board to discuss routine business and receive recommendations from the Legislative Committee. There will be a 15-minute public comment period at the beginning of the meeting. A formal hearing will follow.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.


† June 9, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. 

A meeting to conduct formal hearings. Public comment will not be received.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.


† June 16, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

A meeting of the Resident Trainee Task Force Committee to discuss resident trainee program issues. There will be a 15 minute public comment period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.

† June 16, 1999 - Noon -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 1, Richmond, Virginia. 

A meeting of the Special Conference Committee to conduct informal hearings. Public comment will not be received.


Contact: Cheri Emma-Leigh, Administrative Staff Assistant, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9523.

DEPARTMENT OF HEALTH PROFESSIONS


† May 21, 1999 - 10 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 


A meeting of the Legislative/Regulatory Review Committee to review legislative proposals. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY 


† May 21, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Advisory Committee to discuss the feasibility of effective mercantile practice regulations. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY 

† June 11, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

The Intervention Program Committee will meet with its contractor and representatives to review reports, policies and procedures for the Health Practitioners' Intervention Program. The committee will meet in open session for general discussion of the program. The committee may meet in executive sessions for the purpose of consideration of specific requests from applicants to or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA

23230-1717, telephone (804) 662-9424, FAX (804) 662-9114 or (804) 662-7197/TTY ☎

BOARD FOR HEARING AID SPECIALISTS

May 11, 1999 - 8 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. All meetings are subject to cancellation. Time of meeting is subject to change. Call the board's office at least 24 hours in advance. A public comment period will be held at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

May 18, 1999 - 8 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☎

A monthly meeting of the council and its committees.

Contact: Pamela H. Landrum, Administrative Staff Assistant, State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602 or FAX (804) 371-7911.

VIRGINIA HISTORIC PRESERVATION FOUNDATION

† **June 1, 1999 - 10 a.m.** -- Open Meeting
Virginia Historical Society, 2801 Kensington Avenue, 2nd Floor, Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A meeting of the trustees of the foundation to discuss and review a draft trust agreement among the Virginia Historic Preservation Foundation trustees, the Association for the Preservation of Virginia Antiquities and the Department of Historic Resources.

Contact: Robert A. Carter, Director, Community Services, Department of Historic Resources, 10 Courthouse Ave.,

Petersburg, VA 23803, telephone (804) 863-1620, FAX (804) 863-1627 or (804) 367-2386/TTY ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

June 1, 1999 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia. ☎ (Interpreter for the deaf provided upon request)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **May 18, 1999 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☎

A regular meeting of the Board of Commissioners. The Board of Commissioners will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837, or (804) 783-6705/TTY ☎

COUNCIL ON INFORMATION MANAGEMENT


May 14, 1999 - 10 a.m. -- Open Meeting
Council on Information Management, 110 South 7th Street, 3rd Floor, Conference Room, Richmond, Virginia. ☎

The council's final meeting.

Contact: Linda Hening, Administrative Staff Specialist, Council on Information Management, 110 S. 7th St., Richmond, VA 23219, telephone (804) 225-3622.

Calendar of Events


VIRGINIA INNOVATIVE TECHNOLOGY AUTHORITY

† **May 19, 1999 - 10 a.m.** -- Open Meeting
Center for Innovative Technology, 2214 Rock Hill Road,
Herndon, Virginia.  (Interpreter for the deaf provided upon
request)

A regular business meeting to include election of
officers.

Contact: Linda G. Gentry, CFO, Center for Innovative
Technology, 2214 Rock Hill Rd., Herndon, VA 22070-4005,
telephone (703) 689-3035 or FAX (804) 689-3041.

STATE BOARD OF JUVENILE JUSTICE


May 12, 1999 - 9 a.m. -- Open Meeting
Northern Virginia Detention Home, 200 South Whiting Street,
Alexandria, Virginia. 

The Secure Program Committee and the Nonsecure
Program Committee will meet at 9 a.m. The full board
will meet at 10 a.m. to act on matters relating to the
certification of residential and nonresidential juvenile
justice programs and to consider such other matters as
may come before the board.

Contact: Donald R. Carignan, Policy Analyst Senior,
Department of Juvenile Justice, 700 E. Franklin St., P.O. Box
1110, Richmond, VA 23218-1110, telephone (804) 371-0743
or FAX (804) 371-0773.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

May 17, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room C, Richmond, Virginia.  (Interpreter for the deaf
provided upon request)

A meeting of the Safety and Health Codes Board to
discuss:

1. 16 VAC 25-90-1910.178, Powered Industrial Truck
(PITS) Operator Training, Final Rule, Parts 1910, 1915,
1917, 1918 and 1926; and
2. 16 VAC 25-90-1910.146, Permit-Required Confined
Spaces, Final Rule, and Correction.

Contact: Regina P. Cobb, Agency Management Analyst
Senior, Department of Labor and Industry, Powers-Taylor
Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804)
786-0610, FAX (804) 786-8418 or (804) 786-2376.

COMMISSION ON LOCAL GOVERNMENT

† **May 25, 1999 - 1 p.m.** -- Open Meeting
Vinton area; site to be determined.

Oral presentations regarding the Town of Vinton -
Roanoke County Voluntary Settlement Agreement.
Persons desiring to participate in the meeting and
requiring special accommodations or interpreter services
should contact the commission.

Contact: Barbara Bingham, Administrative Assistant,
Commission on Local Government, Pocahontas Bldg., 900
East Main Street, Suite 103, Richmond, VA 23219-3513,
telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-
800-828-1120/VA Relay Center.

† **May 25, 1999 - 4 p.m.** -- Open Meeting
Vinton area; site to be determined.

A regular meeting to consider such matters as may be
presented. Persons desiring to participate in the
meeting and requiring special accommodations or
interpreter services should contact the commission.

Contact: Barbara Bingham, Administrative Assistant,
Commission on Local Government, Pocahontas Bldg., 900
East Main Street, Suite 103, Richmond, VA 23219-3513,
telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-
800-828-1120/VA Relay Center.

† **May 25, 1999 - 7 p.m.** -- Public Hearing
Vinton area; site to be determined.

A public hearing regarding the Town of Vinton -
Roanoke County Voluntary Settlement Agreement.
Persons desiring to participate in the meeting and
requiring special accommodations or interpreter services
should contact the commission.

Contact: Barbara Bingham, Administrative Assistant,
Commission on Local Government, Pocahontas Bldg., 900
East Main Street, Suite 103, Richmond, VA 23219-3513,
telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-
800-828-1120/VA Relay Center.

† **July 6, 1999 - 10:30 a.m.** -- Open Meeting
† **July 7, 1999 - 9 a.m.** -- Open Meeting
South Hill area; site to be determined.

Oral presentations regarding the Town of South Hill -
Mecklenburg County annexation action. Persons
desiring to participate in the meeting and requiring
special accommodations or interpreter services should
contact the commission.


Contact: Barbara Bingham, Administrative Assistant,
Commission on Local Government, Pocahontas Bldg., 900
East Main Street, Suite 103, Richmond, VA 23219-3513,
telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-
800-828-1120/VA Relay Center.

† **July 6, 1999 - 7 p.m.** -- Public Hearing
South Hill area; site to be determined.


Oral presentations regarding the Town of South Hill -
Mecklenburg County annexation action. Persons
desiring to participate in the meeting and requiring
special accommodations or interpreter services should
contact the commission.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, Pocahontas Bldg., 900 East Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999 or toll-free 1-800-828-1120/VA Relay Center.


VIRGINIA MANUFACTURED HOUSING BOARD

May 20, 1999 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, The Jackson Center, 2nd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular monthly meeting.

Contact: Curtis L. McIver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TTY 

MARINE RESOURCES COMMISSION

May 25, 1999 - 9:30 a.m. -- Open Meeting
June 22, 1999 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue, Room 403, Newport News, Virginia.  (Interpreter for the deaf provided upon request)

The commission will hear and decide the following marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; and policy and regulatory issues. The commission will hear and decide the following fishery management items at approximately noon: regulatory proposals; fishery management plans; fishery conservation issues; licensing; and shellfish leasing. Meetings are open to the public. Testimony will be taken under oath from parties addressing agenda items on permits and licensing. Public comments will be taken on resource matters, regulatory issues and items scheduled for public hearing.

Contact: LaVerne Lewis, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607-0756, telephone (757) 247-2261, toll-free 1-800-541-4646 or (757) 247-2292/TTY 

BOARD OF MEDICAL ASSISTANCE SERVICES

May 11, 1999 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board.

Contact: Leah D. Hamaker, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300,

Richmond, VA 23219, telephone (804) 786-4626 or FAX (804) 371-4981.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

June 9, 1999 -- Public comments may be submitted until this date.


Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.** These regulations implement the Virginia Children's Medical Security Insurance Plan and establish the eligibility standards, criteria, service limitations, reimbursement criteria, and quality assurance requirements.

Statutory Authority: § 32.1-325 of the Code of Virginia and Chapter 464, 1998 Acts of Assembly (Item 335 U 2).


Public comments may be submitted until June 9, 1999, to Kathryn Kotula, Director, Division of Policy, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854 or FAX (804) 371-4981.

BOARD OF MEDICINE

May 21, 1999 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Legislative Committee to discuss legislative issues related to board activities and regulations, to review any pending regulations pursuant to regulatory review or legislative action, and to consider any other information that may come before the committee. The committee will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9517 or (804) 662-7197/TTY 

June 3, 1999 - 8 a.m. -- Open Meeting

June 4, 1999 - 8 a.m. -- Open Meeting

June 5, 1999 - 8 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The full board will meet on June 3, in open session, to conduct general board business, receive committee and

Calendar of Events

board reports, and discuss any other items which may come before the board. The board will also meet on June 3, 4 and 5 to review reports, interview licensees/applicants, conduct administrative proceedings, and make decisions on disciplinary matters. The board will review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9960, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

Informal Conference Committee

† **May 12, 1999 - 9:30 a.m.** -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia.

† **June 23, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.

† **June 25, 1999 - 9:30 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 786-7693, FAX (804) 662-9517 or (804) 662-7197/TTY ☎

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

May 14, 1999 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to adopt regulations entitled: **12 VAC 35-171-10 et seq. Certification of Providers of Mental Health/Mental Retardation Case Management Services.** The proposed regulation defines the qualifications that mental health and mental retardation case managers must have for Medicaid reimbursement.

Statutory Authority: § 37.1-182.2 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on Friday, May 14, 1999, to Cathy Rowe, Office of Mental Retardation

Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218.

Contact: Marion Greenfield, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-6431 or FAX (804) 371-0092.

† **May 27, 1999 - Time to be announced** -- Open Meeting

† **May 28, 1999 - Time to be announced** -- Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Building, Governor and Bank Streets, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting. There will be a public comment period.

Contact: Marlene Butler, State Board Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-7945 or FAX (804) 371-2308.

MOTOR VEHICLE DEALER BOARD

† **May 17, 1999 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows to conduct general business:

Transaction Recovery Fund Committee - 9 a.m.

Licensing Committee - 10 a.m.

Dealer Practices Committee - 1 p.m.

Advertising Committee - 3 p.m.

Persons desiring to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

† **May 18, 1999 - 8:30 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees and the full board will meet as follows:

Finance Committee - 8:30 a.m. -- Room 702


Franchise Law Committee - 9 a.m. -- 7th Floor
Executive Conference Room

Full Board - 9:30 a.m. -- Room 702


Persons desiring to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100 or FAX (804) 367-1053.

MILK COMMISSION

May 19, 1999 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Training Room, 1st Floor, Charlottesville, Virginia. 

A regular meeting to discuss industry issues, distributor licensing, Virginia base transfers, Virginia baseholding license amendments, regulations, and fiscal matters and to review reports from the staff of the Milk Commission. The commission may consider other matters pertaining to its responsibilities. Any persons who require accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.


Contact: Edward C. Wilson, Jr., Deputy Administrator, Milk Commission, 200 N. 9th St., Suite 915, Richmond, VA 23219-3414, telephone (804) 786-2013, FAX (804) 786-3779 or (804) 786-2013/TTY 

VIRGINIA MUSEUM OF FINE ARTS

† May 18, 1999 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 


A meeting of the Collections Committee to consider art gifts, purchases and loans for referral to the Board of Trustees for ratification. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† May 20, 1999 - 9:30 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Payne Room, Members Lounge, Richmond, Virginia. 


A meeting of the Buildings and Grounds Committee to review the ongoing physical plant projects including maintenance reserve and capital outlay. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† May 20, 1999 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Library Reading Room, Richmond, Virginia. 


A meeting of the Communications and Marketing Committee to discuss institutional marketing strategies. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† May 20, 1999 - 10 a.m. -- Open Meeting
Center for Education and Outreach, Board Room, Richmond, Virginia. 

A meeting of the Exhibitions Committee to review the exhibition calendar and the status of ongoing projects and to consider new exhibitions. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† May 20, 1999 - 11 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 


A meeting of the Finance Committee to review the 1999-2000 budget proposal and monthly financial statements. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† May 20, 1999 - Noon -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 

A meeting of the Board of Trustees to review committee work for the past year, hear staff reports, review the budget, and discuss authorization of art purchases and gifts. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.

† May 20, 1999 - 2:30 p.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, CEO Board Room, Richmond, Virginia. 


A meeting of the Education and Programs Committee to discuss the committee's yearly work. Public comment will not be received.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 367-0553 or FAX (804) 367-2633.


Calendar of Events

COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD

† May 17, 1999 - 10 a.m. -- Open Meeting


Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, Conference Room 101, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss issues pertaining to the Commonwealth Neurotrauma Initiative. A public comment period will be held at the beginning of the meeting. Any person who needs special accommodations to participate in the meeting should contact Christine Grauer at least five days before the meeting date so that suitable arrangements can be made.


Contact: Christine Grauer, Program Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7162, FAX (804) 662-7663 or toll-free 1-800-552-5019 or 1-800-464-9950/TTY 

BOARD OF NURSING


May 10, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A Special Conference Committee will conduct informal conferences with licensees and certificate holders. Public comments will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

May 10, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Education Special Conference Committee will review proposals and reports from nursing and nurse aide education programs and prepare recommendations for the board. Public comments will not be received.


Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

May 10, 1999 - 1 p.m. -- Open Meeting


May 13, 1999 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A panel of the board will conduct formal hearings with licensees and certificate holders. Public comments will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 


May 11, 1999 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the full board to conduct regular business.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

May 11, 1999 - 1 p.m. -- Public Hearing

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A public hearing on the Mutual Recognition Model of Nursing Regulation.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

May 12, 1999 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct formal hearings with licensees and certificate holders. Beginning at 1 p.m., two panels of the board will conduct formal hearings with licensees and certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512 or (804) 662-7197/TTY 

BOARD OF OPTOMETRY

† May 21, 1999 - 10:30 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the full board to (i) receive a report from the Advisory Committee of the Legislative/Regulatory Review Committee regarding mercantile practice regulations, (ii) review House Bill 1972, (iii) discuss newsletter titling, (iv) review legislative proposals, (v) discuss the National Board examinations Parts I and II, (vi) conduct budget review, and (vii) approve consent orders. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA

23230-1717, telephone (804) 662-9910, FAX (804) 662-7098
or (804) 662-7197/TTY ☎

VIRGINIA OUTDOORS FOUNDATION

May 12, 1999 - 10:30 a.m. -- Open Meeting
Chamber of Commerce, Conference Room, Lynchburg,
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Trust Fund Advisory Board (Region 5) to conduct the general business of the board, review applications received for funding under the Open-Space Lands Preservation Trust Fund, and make recommendations on funding. Public comment will be received after the conclusion of the regular business meeting.

Contact: Sherry Buttrick, Director, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423 or FAX (804) 293-3859.

BOARD OF PHARMACY

May 11, 1999 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ♿

A Special Conference Committee will hear informal conferences. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313 or (804) 662-7197/TTY ☎

POLYGRAPH EXAMINERS ADVISORY BOARD

June 15, 1999 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Conference Room 4-
West, Richmond, Virginia. ♿ (Interpreter for the deaf
provided upon request)

A public hearing to receive comments on existing regulations, followed by the board's regular meeting. The board will discuss regulatory review and other matters requiring board action, including disciplinary cases. The polygraph licensing examination will also be conducted.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474 or (804) 367-9753/TTY ☎

BOARD OF LICENSED PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND SUBSTANCE ABUSE TREATMENT PROFESSIONALS

May 12, 1999 - 2 p.m. -- Canceled

May 13, 1999 - 9 a.m. -- Canceled

The Mountain Lake Hotel, Mountain Lake, Virginia. ♿

The meeting of the Regulatory Committee has been canceled.

Contact: Janet Delorme, Deputy Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

† May 13, 1999 - 9 a.m. -- Open Meeting

Courtyard Northwest by Marriott, 3950 Westerre Parkway,
Meeting Room A, Richmond, Virginia. ♿

A meeting of the Credentials Committee to review applicant credentials. No public comment will be received.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† May 13, 1999 - 10:30 a.m. -- Open Meeting

Courtyard Northwest by Marriott, 3950 Westerre Parkway,
Meeting Room A, Richmond, Virginia. ♿

A meeting of the Supervision Committee to consider supervision requirements for the professional counselor license. No public comment will be received.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† May 13, 1999 - 1 p.m. -- Open Meeting

Courtyard Northwest by Marriott, 3950 Westerre Parkway,
Meeting Room A, Richmond, Virginia. ♿

A meeting of the Regulatory Committee to discuss ways to improve consistency among its regulations. The committee will address issues pertaining to education requirements for certified substance abuse counselors. Public comment will be received at the beginning of the meeting.

Contact: Janet Delorme, Deputy Executive Director, Board of Licensed Professional Counselors, Marriage and Family

Calendar of Events

Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

† **May 14, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting of the Executive Committee. No public comment will be received.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† **May 14, 1999 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A meeting of the board to (i) conduct general business; (ii) consider committee reports, correspondence and other matters under its jurisdiction; and (iii) conduct regulatory review, including adopting fee increases for all categories of licensure and certification under the board's authority. Public comment will be received at the beginning of the meeting.

Contact: Evelyn Brown, Executive Director, or Joyce Williams, Administrative Assistant, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912 or FAX (804) 662-9943.

† **June 14, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 4, Richmond, Virginia. ♿

† **June 18, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Conference Room 3, Richmond, Virginia. ♿

Informal administrative hearings will be held pursuant to § 9-6.14:11 of the Code of Virginia. No public comment will be received.

Contact: Evelyn Brown, Executive Director, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9967 or FAX (804) 662-9943.

BOARD OF PROFESSIONAL AND OCCUPATIONAL REGULATION

May 13, 1999 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A public hearing in connection with the board's study of the need to regulate nonprofit cemeteries. The study is a result of House Joint Resolution 745, which passed in the 1999 General Assembly Session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753.

May 13, 1999 - 1:30 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A public hearing in connection with the board's study of the need to increase the regulation of landscape architects from certification to licensure. The study is a result of Senate Joint Resolution 431, which passed in the 1999 General Assembly Session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Debra L. Vought, Agency Management Analyst, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519 or (804) 367-9753.

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May 28, 1999 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to adopt regulations entitled: **18 VAC 120-40-10 et seq. Virginia Professional Boxing and Wrestling Events Regulations.** The purpose of the proposed regulations is to regulate professional boxing and wrestling in Virginia. The proposed regulations replace the emergency regulations that became effective on August 11, 1998. Aside from a few editorial changes, the language of the proposed regulations is unchanged from the emergency regulations.

Statutory Authority: §§ 54.1-201 and 54.1-831 of the Code of Virginia.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

BOARD OF PSYCHOLOGY

June 8, 1999 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia.

A meeting of the full board to discuss general business and receive committee reports. Public comment will be received at the beginning of the meeting.

Contact: La Donna Duncan, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY

VIRGINIA RACING COMMISSION

† May 19, 1999 - 9:30 a.m. -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia.

A monthly meeting of the commission including a segment for public participation. The commission will also consider adopting the proposed regulation 11 VAC 10-60-10 et seq., Regulations Pertaining to Horse Racing with Pari-mutuel Wagering: Participants, as a final regulation.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7400 or FAX (804) 966-7418.

REAL ESTATE BOARD

† May 10, 1999 - 9:30 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, Chesapeake Regional Office, 1103 South Military Highway, Chesapeake, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal fact finding conferences pursuant to § 9-6.14:11 of the Administrative Process Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Debbie A. Amaker, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-2179 or (804) 367-9753/TTY

† June 2, 1999 - 6:30 p.m. -- Public Hearing
† June 10, 1999 - 6:30 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Public hearings in conjunction with House Joint Resolution 645, Property Owners' Association. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the

meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8510, FAX (804) 367-2475 or (804) 367-9753/TTY

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

May 11, 1999 - 10 a.m. -- Open Meeting
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly meeting. Meetings are dependent on a quorum of 10. Subcommittee meetings may be held prior to or after the general council meeting.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, (804) 698-4021/TTY , toll free 1-800-592-5482 or e-mail mpmurphy@deq.state.va.us.

STATE REHABILITATION COUNCIL

May 10, 1999 - 10 a.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Kay Magill, State Rehabilitation Council Liaison, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23288, telephone (804) 662-7527, FAX (804) 662-7696, or toll-free 1-800-552-5019 or 1-800-464-9950/TTY

BOARD OF REHABILITATIVE SERVICES

June 10, 1999 -10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A quarterly business meeting.

Contact: Barbara G. Tyson, Administrative Staff Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free 1-800-552-5019 or (804) 662-7000/TTY

VIRGINIA RESOURCES AUTHORITY


May 11, 1999 - 9:30 a.m. -- Open Meeting
Virginia Resources Authority, Mutual Building, 909 East Main Street, Suite 700, Richmond, Virginia.

Calendar of Events

A meeting to approve minutes of the prior meeting, to review the authority's operations for the prior month, and to consider other matters and take other actions as the authority may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Robert W. Lauterberg, Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.


RICHMOND HOSPITAL AUTHORITY

May 28, 1999 - 11 a.m. -- Open Meeting
Richmond Nursing Home, 1900 Cool Lane, 2nd Floor Classroom, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to discuss nursing home operations and related matters.

Contact: Marilyn H. West, Chairman, Richmond Hospital Authority, 700 E. Main St., Suite 904, P.O. Box 548, Richmond, VA 23218-0548, telephone (804) 782-1938 or FAX (804) 782-9771.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† May 25, 1999 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia. 

A meeting of the Loan Committee to review applications for loans submitted to the authority for approval. The time will be moved to 8:30 a.m. if the VSBFA Board of Directors decides to combine meeting dates with the VSBFA Loan Committee. Contact the authority for confirmation of time.


Contact: Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254 or FAX (804) 225-3384.

DEPARTMENT OF SOCIAL SERVICES


May 15, 1999 - 10 a.m. -- Public Hearing
Jefferson Center Foundation, Junior League of Roanoke Valley, 541 Luck Avenue, Atrium, Roanoke, Virginia.

A public hearing held in accordance with federal regulations for the Child Care and Development Fund Plan (CCDF). Every two years the Department of Social Services, lead agency for CCDF, is required to prepare a plan for administration and implementation of the Child Care and Development Fund Program. This includes (i) the process used in developing the plan; (ii) a description of child care services offered, including payment rates and eligibility criteria; (iii) processes with parents to inform them of the availability of child care

services and the application process; (iv) activities and services to improve the quality of child care; and (v) health and safety requirements for providers. Prior to May 1, 1999, each local department of social services will receive a copy of the plan. Written comments may be submitted from May 1 through May 30, 1999.

Contact: Wenda Singer, Human Services Resource Consultant, Child Day Care Unit, Department of Social Services, Child Day Care Unit, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-2201, FAX (804) 692-2209 or toll-free 1-800-552-7096/TTY 

VIRGINIA SOIL AND WATER CONSERVATION BOARD

May 20, 1999 - 9 a.m. -- Open Meeting
Virginia Colonial Farm Credit, 7104 Mechanicsville Turnpike, Mechanicsville, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Leon App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 


COUNCIL ON TECHNOLOGY SERVICES

May 27, 1999 - 9 a.m. -- Open Meeting
State Capitol, Capitol Square, 1st Floor, House Room 4, Richmond, Virginia.

A monthly business meeting.


Contact: Jamie Breeden, Administrative Staff Specialist, Department of Information Technology, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone or FAX (804) 371-5506 or (804) 371-8076/TTY 

COMMONWEALTH TRANSPORTATION BOARD

May 19, 1999 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.


May 20, 1999 - 10 a.m. -- Open Meeting
Department of Transportation, 1401 East Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and

deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.


TREASURY BOARD

† **May 19, 1999 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 


A regular business meeting.


Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD OF VETERINARY MEDICINE


† **May 18, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to (i) approve consent orders, (ii) consider requests for licensure by endorsement, (iii) reinstate licenses, (iv) consider requests for extensions or exemptions for continuing education, (v) discuss what constitutes invasive procedures, (vi) review the need to increase fees, and (vii) discuss inspection scheduling. A brief public comment period will be held at the beginning of the meeting.


Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TTY 

† **May 19, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal conferences will be held. Public comments will not be received.

Contact: Terri H. Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or (804) 662-7197/TTY 

BOARD FOR THE VISUALLY HANDICAPPED


† **July 20, 1999 - 1 p.m.** -- Open Meeting
Department for the Visually Handicapped Headquarters, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to receive information regarding department activities and operations, review expenditures from the board's institutional fund, and discuss other issues raised by board members.


Contact: Katherine C. Proffitt, Executive Secretary Senior, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140, toll-free 1-800-622-2155, FAX (804) 371-3157 or (804) 371-3140/TTY 

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Statewide Rehabilitation Council for the Blind

June 5, 1999 - 10 a.m. -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the council to advise the department on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free 1-800-622-2155 or (804) 371-3140/TTY 


VIRGINIA VOLUNTARY FORMULARY BOARD

May 13, 1999 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to review product data and other material for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Voluntary Formulary Board, James Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326 or FAX (804) 371-0236.

VIRGINIA WASTE MANAGEMENT BOARD

May 17, 1999 - 9 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

A meeting of the Technical Advisory Committee to discuss the development of the proposed Regulation for Transportation of Solid and Medical Wastes on State Waters, 9 VAC 20-170-10 et seq.

Contact: Lily Choi, Environmental Engineer Senior, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or FAX (804) 698-4032.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

May 20, 1999 - 10 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5 West, Richmond, Virginia. ☎

A meeting to conduct routine board business. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8595, FAX (804) 367-2475 or (804) 367-9753/TTY ☎

STATE WATER CONTROL BOARD

† May 19, 1999 - 7 p.m. -- Public Hearing

Clarksville Town Hall, 321 Virginia Avenue, Clarksville, Virginia.

A public hearing to receive comments on the proposed issuance of a Virginia Water Protection Permit for the Virginia Department of Transportation (VDOT). VDOT is proposing the construction of four lanes to the south of existing Route 58 and a new bridge across Kerr Reservoir in association with the Clarksville bypass.

Contact: Tracey Harmon, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4105.

May 19, 1999 - 7 p.m. -- Public Hearing

Louisa County High School, 757 Davis Highway, Auditorium, Mineral, Virginia.

A public hearing to receive comments on the proposed issuance of a Virginia Pollutant Discharge Elimination System permit for a sanitary discharge to Lake Anna from the Stonewall Hillside Villas Sewage Treatment Plant.

Contact: Beverley Carver, Valley Regional Office, Department of Environmental Quality, P.O. Box 1129, Harrisonburg, VA 22801, telephone (540) 574-7805.

† May 20, 1999 - 1 p.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ☎

A meeting of the Technical Advisory Committee working on the General Virginia Protection Permit for Shoreline Protection, Dredging and Land Development Activities.

Contact: Joseph Hassell, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4105.

May 28, 1999 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-260-5 et seq. Water Quality Standards.** The purpose of the proposed amendments is to correct the downstream limits of a stocked trout stream classification for the Jackson River in Covington, Virginia. If adopted as proposed, the amendment would change 1.7 miles of stream from a stocked trout designation to mountainous zone waters.

Question and Answer Period: A question and answer period will be held one-half hour prior to the beginning of the public hearing at the same location. Department of Environmental Quality staff will be present to answer questions regarding the proposed action.

Accessibility to Persons with Disabilities: The meeting will be held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Elleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or 1-800-592-5482 or TTY (804) 698-4261. Persons needing interpreter services for the deaf must notify Ms. Daub no later than April 28, 1999.

The agency requests comments on any aspect of the proposal and also on the costs and benefits of the proposal.

Other Pertinent Information: The department has conducted analyses on the proposed action related to basis, purpose, substance, issues, need, estimated impacts, applicable federal requirements and alternative approaches and schedule for reevaluation. These analyses as well as copies of the amendments may be viewed at the Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, or obtained from Elleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, or by telephone at (804) 698-4111 or toll free at 1-800-592-5482 or TTY (804) 698-4261.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Contact: Elleanore Daub, Environmental Program Planner, Department of Environmental Quality, P.O. Box 10009,

Richmond, VA 23240-0009, telephone (804) 698-4111, FAX (804) 698-4522 or toll-free 1-800-592-5482.

June 15, 1999 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia.

A regular meeting.

Contact: Cindy Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **June 24, 1999 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia.

A routine business meeting. A public comment period will be held at the beginning of the meeting.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8505, FAX (804) 367-2475 or (804) 367-9753/TTY

LEGISLATIVE

COMMISSION ON THE CONDITION AND FUTURE OF VIRGINIA'S CITIES (HJR 432, 1998)

† **May 24, 1999 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A regular meeting. Questions regarding the meeting should be addressed to Jeff Sharp or Nikki Rovner, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the Committee Operations Office at least 10 working days prior to the meeting.

Contact: Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

VIRGINIA CODE COMMISSION

June 21, 1999 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to (i) receive 1999 legislative update, (ii) receive a working draft of the title revision (Titles 2.1 and 9), (iii) receive a report from the Administrative Law

Advisory Committee, (iv) consider possible replacement volumes to the Virginia Administrative Code, and (v) conduct any other business that may come before the commission. A brief public comment period is scheduled at the end of the meeting.

Contact: Jane D. Chaffin, Registrar of Regulations, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

JOINT COMMISSION ON HEALTH CARE

May 18, 1999 - 10 a.m. -- Open Meeting

June 29, 1999 - 10 a.m. -- Open Meeting

July 27, 1999 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Individuals requiring interpreter services or other special assistance should contact Kimberly Rockhold at least 10 working days prior to the meeting. You can also access information on the Internet at <http://legis.state.va.us/jchc/jchchome.htm>.

Contact: Kimberly Rockhold, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

May 10, 1999 - 10 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia.

A staff briefing on the update to the Legislators' Guide to VRS Fiscal Analysis Unit Progress Report #1.

Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

CHRONOLOGICAL LIST

OPEN MEETINGS

May 10

Legislative Audit and Review Commission, Joint Nursing, Board of

- Education Special Conference Committee
- Special Conference Committee

† Real Estate Board
Rehabilitation Council, State

May 11

Air Pollution Control Board, State
Corrections, Board of
- Correctional Services Committee
Hearing Aid Specialists, Board for

Calendar of Events

Medical Assistance Services, Board of
Nursing, Board of
Pharmacy, Board of
- Special Conference Committee
Recycling Markets Development Council, Virginia
Resources Authority, Virginia
- Board of Directors

May 12

Agriculture and Consumer Services, Board of
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Land Surveyor Section
Cemetery Board
- Delivery Committee
Community Colleges, State Board for
- Facilities Committee
- Personnel Committee
Corrections, Board of
- Administration Committee
† Economic Development Partnership, Virginia
Funeral Directors and Embalmers, Board of
Juvenile Justice, State Board of
† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
Outdoors Foundation, Virginia
- Trust Fund Advisory Board (Region 5)

May 13

Asbestos and Lead, Virginia Board for
Child Day-Care Council
Community Colleges, State Board for
† Conservation and Recreation, Department of
- Virginia State Parks Foundation
Nursing, Board of
† Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
- Credentials Committee
- Regulatory Committee
- Supervision Committee
Voluntary Formulary Board, Virginia

May 14

† Contractors, Board for
- Natural Gas Fitter Advisory Committee
Information Management, Council on
† Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
- Executive Committee

May 17

† Agriculture and Consumer Services, Department of
- Virginia Farmers Market Board
† Design-Build/Construction Management Review Board
Labor and Industry, Department of
- Safety and Health Codes Board
† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee

- Licensing Committee
- Transaction Recovery Fund Committee
† Neurotrauma Initiative Advisory Board,
Commonwealth
Waste Management Board, Virginia
- Technical Advisory Committee

May 18

† Agriculture and Consumer Services, Department of
- Virginia Farmers Market Board
Environmental Quality, Department of
- Virginia Ground Water Protection Steering
Committee
Health Care, Joint Commission on
Higher Education, State Council of
† Housing Development Authority, Virginia
- Board of Commissioners
† Motor Vehicle Dealer Board
- Finance Committee
- Franchise Law Committee
† Museum of Fine Arts, Virginia
- Collections Committee
† Veterinary Medicine, Board of

May 19

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
- Landscape Architect Section
† Contractors, Board for
† Innovative Technology Authority
Milk Commission
† Racing Commission, Virginia
Transportation Board, Commonwealth
† Treasury Board
† Veterinary Medicine, Board of

May 20

† Assistive Technology Loan Fund Authority
- Board of Directors
Audiology and Speech-Language Pathology, Board of
† Health Professions, Department of
- Legislative/Regulatory Review Committee
Manufactured Housing Board, Virginia
† Museum of Fine Arts, Virginia
- Buildings and Grounds Committee
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Finance Committee
- Board of Trustees
Soil and Water Conservation Board, Virginia
Transportation Board, Commonwealth
Waste Management Facility Operators, Board for
† Water Control Board, State
- Technical Advisory Committee

May 21

Comprehensive Services for At-Risk Youth and Their
Families
- State Executive Council
† Correctional Education, Board of
† Health Professions, Department of

- Legislative/Regulatory Review Committee
- Medicine, Board of
- Legislative Committee
- † Optometry, Board of

May 24

- † Cities, Commission on the Condition and Future of Virginia's

May 25

- Conservation and Recreation, Department of
- Board of Conservation and Development of Public Beaches
- Funeral Directors and Embalmers, Board of
- Legislative Committee
- † Local Government, Commission on
- Marine Resources Commission
- † Small Business Financing Authority, Virginia
- Loan Committee

May 26

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
- Certified Interior Designers Section
- † Emergency Planning Committee, Local - Gloucester
- † Environmental Quality, Department of
- Citizens Wetlands Advisory Committee
- Pollution Prevention Advisory Committee, Virginia

May 27

- Compensation Board
- † Mental Health, Mental Retardation and Substance Abuse Services, State Board of
- Technology Services, Council on

May 28

- † Mental Health, Mental Retardation and Substance Abuse Services, State Board of
- Richmond Hospital Authority
- Board of Commissioners
- Technology Services, Council on

June 1

- † Historic Preservation Foundation, Virginia
- Hopewell Industrial Safety Council

June 2

- † Funeral Directors and Embalmers, Board of

June 3

- Medicine, Board of

June 4

- † Art and Architectural Review Board

June 5

- † Conservation and Recreation, Department of
- Virginia Cave Board
- Visually Handicapped, Department for the
- Statewide Rehabilitation Council for the Blind

June 7

- † Barbers, Board for

June 8

- Psychology, Board of

June 9

- † Funeral Directors and Embalmers, Board of

June 10

- Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative Liaison Committee
- Rehabilitative Services, Board of

June 11

- Fire Services Board, Virginia
- † Health Professions, Department of
- Health Practitioner's Intervention Program

June 14

- † Barbers, Board for
- † Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed

June 15

- † Economic Development Partnership, Virginia
- Polygraph Examiners Advisory Board
- Water Control Board, State

June 16

- † Funeral Directors and Embalmers, Board of
- Resident Trainee Task Force Committee
- Special Conference Committee

June 18

- † Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Licensed

June 21

- † Barbers, Board for
- Code Commission, Virginia

June 22

- Marine Resources Commission

June 23

- † Medicine, Board of
- Informal Conference Committee

June 24

- † Assistive Technology Loan Fund Authority
- Board of Directors
- † Waterworks and Wastewater Works Operators, Board for

June 25

- Comprehensive Services for At-Risk Youth and Their Families
- State Executive Council
- † Medicine, Board of
- Informal Conference Committee

June 28

- † Barbers, Board for
- Conservation and Recreation, Department of
- Chippokes Plantation Farm Foundation

June 29

- Health Care, Joint Commission on

Calendar of Events

July 6

† Local Government, Commission on

July 7

† Local Government, Commission on

July 20

† Visually Handicapped, Board for the

July 21

† Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board

July 27

Health Care, Joint Commission on

July 29

† Agriculture and Consumer Services, Department of
- Virginia Small Grains Board

PUBLIC HEARINGS

May 11

Nursing, Board of

May 12

Environmental Quality, Department of

May 13

Professional and Occupational Regulation, Board for

May 15

Social Services, Department of

May 17

† Environmental Quality, Department of

May 19

† Water Control Board, State

May 25

† Local Government, Commission on

June 2

† Real Estate Board

June 10

† Real Estate Board